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COMMITTEE ON THE RIGHTS OF THE CHILD

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Initial report of States parties due in 1993

Addendum

THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA

[4 March 1997]

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REPUBLIC OF MACEDONIA

1 : 1250 000

I. GENERAL MEASURES OF IMPLEMENTATION

1. The Republic of Macedonia, as a successor State to the former Socialist Federal Republic of Yugoslavia (SFRY), by the letter from the Minister for Foreign Affairs No. 5093/1 dated 3 November 1993, acceded to the Convention on the Rights of the Child, of 20 November 1989. The instrument of accession of the Republic of Macedonia to the Convention on the Rights of the Child, was deposited with the Secretary-General on 2 December 1993, which is the date of acceptance, while the Convention entered into force in the Republic of Macedonia on 17 September 1991, which is the date on which the Republic of Macedonia took over the responsibilities for its international relations.

2. The provisions of the Convention on the Rights of the Child were fully incorporated in the domestic legislation of the former SFRY, thus also in the legislation of the Republic of Macedonia.

3. In accordance with the legal procedure foreseen for the ratification of international conventions and for the purposes of avoiding potential conflicts or failure to fulfil responsibilities taken on through international conventions, the Government of the Republic of Macedonia, when deciding upon acceding by way of succession to the Convention, concluded that there was no need to amend domestic legislation as a result of the accession to the Convention on the Rights of the Child.

4. Furthermore, in accordance with article 118 of the Constitution, in the Republic of Macedonia international agreements ratified in accordance with the Constitution are part of the domestic legal system, and cannot be modified by law. Consequently, the provisions of the Convention on the Rights of the Child are part of the domestic legislation of the Republic of Macedonia, and as such are directly applicable.

5. In accordance with article 4 of the Convention on the Rights of the Child, the Government of the Republic of Macedonia pays appropriate attention to the measures that are being taken and are to be taken in the future in order to implement the provisions of the Convention more efficiently. In this respect, the Government, through its relevant ministries, has organized several projects in order to improve the situation of children and to fully realize the rights set out in the Convention. Special activities are undertaken in the field of education, social protection and health care of children.

6. Starting from article 4 of the Convention, the Republic of Macedonia has taken the maximum measures in accordance with the available means. In this context, it should be pointed out that the difficult economic situation of the Republic of Macedonia (resulting from the transitional period of adjustment of the entire socio-economic system to market economy conditions, and the enormous losses that the Republic of Macedonia suffered from the unilateral embargo imposed by the Republic of Greece, and from the international sanctions imposed against the Federal Republic of Yugoslavia (FRY)) has had a significant impact on the realization of certain socio-economic rights of all citizens of the Republic, including children. However, the projects and measures for protection and improvement of the situation of children have priority, and efforts are made for their more comprehensive realization.

Within this framework, the Republic of Macedonia actively cooperates with several international organizations such as UNICEF, UNHCR and ICRC, as well as with international and domestic non-governmental organizations.

7. This initial report of the Republic of Macedonia on the Convention on the Rights of the Child has been prepared by an interdepartmental working group. Current information about the legislation, then statistics, and finally measures that are being taken have been presented in this report. Any subsequent amendments or elaboration of the legislation and the information regarding the measures that are being implemented or are soon to be undertaken will be included in the next report.

8. In relation to the obligation contained in article 42 of the Convention i.e., dissemination of information about the importance of the Convention, a brochure containing the translation of the Convention and a commentary has been prepared with the assistance of local NGOs.

9. The brochure was widely distributed. A wider action with the aim of distributing the Convention on the Rights of the Child, as well as with the aim of raising the awareness of the public at large of the importance of children's rights, is planned to be undertaken as soon as possible by the Ministry of Labour and Social Policy, the Ministry of Education, the Ministry of Health and the Ministry of Foreign Affairs. In addition to distribution of materials about the Convention, informative meetings and seminars will be organized.

II. DEFINITION OF THE CHILD

10. In accordance with article 1 of the Convention on the Rights of the Child and as laid down in the legal system of the Republic of Macedonia, all persons who have not attained 18 years of age have the status of a child. Upon attaining 18 years of age the person becomes an adult, and acquires full legal capacity.

11. In accordance with the Constitution of the Republic of Macedonia every citizen, on reaching 18 years of age, acquires the right to vote. The right to vote is equal, universal and direct, and is exercised at free elections by secret ballot. Persons deprived of the right to practise their profession have no right to vote.

12. The Constitution stipulates that the minimum age limit for employment, is 15 years of age. According to the Family Act, minors under custody who have reached 15 years of age can be employed, without prior permission from the guardian, and can freely handle their salary, but they are obligated to contribute for their maintenance, upbringing and education. These minors can participate in legal proceedings, while as regards legal matters of a more complex nature permission by the guardian is required.

13. In accordance with the Law on Identity Cards all citizens, upon completion of 18 years of age, must acquire an identity card, this being a public document by which one proves one's identity, citizenship and residence. The identity card may be issued to citizens who have attained 15 years of age, upon their request.

14. In accordance with the Litigation Procedure Act, parties who have legal capacity can participate in the proceedings. Minors who have not reached legal capacity status can participate in the litigation proceedings within the boundaries set by their acknowledged legal capacity. The party who does not have legal capacity can have a legal representative. In this context, and in accordance with the Family Act, parents have the right and the duty to represent their children, within the framework of fulfilling duties resulting from the parental right.

15. In accordance with the Family Act, persons who have not attained 18 years of age cannot enter into marriage. If a person who has not attained 18 years of age wishes to marry, the competent court, can in a non-contentious procedure, permit a person who has attained 16 years of age to enter into a marriage, provided that the court is of the opinion that the person possesses the physical and psychological maturity required for the performing rights and duties resulting from marriage. The court forms its opinion on the basis of the finding provided by a medical institution, as well as through the expert assistance provided by the Centre for Social Work. The Criminal Code of the Republic of Macedonia penalizes the celebration of unlawful marriages, as well as providing assistance for such an unlawful marriage to be celebrated.

16. The paternity of a child born out of wedlock may be acknowledged by any person who is over 18 years of age, as well as by a minor who is over 16 years of age.

17. Only a minor can be adopted. Parents give their consent for adoption when and after the child is three months old. The earliest age that a child can be adopted is three months.

18. The Law on Health Protection foresees the possibility that the right to health insurance, in accordance with the said Law, is also provided for the family members of the insured person. According to this Law, the term "family members" encompasses the spouse and their children (born in or out of wedlock), adopted children, and the children taken to be cared for. Children realize their right to health insurance on this basis until they reach 18 years of age. Based upon the principles of mutuality and solidarity, this Law provides for the right to health protection for all children and minors up to 18 years of age; in other words, it covers all those children who are not able to realize the right to health protection, on the above-mentioned grounds.

19. Pursuant to the Defence Act, military service by citizens is general, and all male citizens from the age 17 up to 55 are subject to it. This consists of: conscription, the duty to perform military service, and the duty to serve in the Reserve Forces. Conscription occurs after the recruit reaches 18 years of age, but if it is requested by the recruit himself, then he may be drafted as early as at 17 years of age. Recruits are sent to serve military service upon attaining 19 years of age.

20. The Constitution of the Republic of Macedonia provides for compulsory free primary education that is accessible to everyone under equal conditions.

According to this provision, the Law on Primary Education provides for compulsory primary education for all children from 7 to 15 years of age, and the duration is 8 years.

21. The Criminal Code of the Republic of Macedonia provides special treatment for juvenile criminal offenders. In this context, and in the criminal justice sense, all persons who have not attained 14 years of age at the moment of perpetrating a crime are entitled to the status of a child and cannot be charged with a crime. A juvenile may be subjected to correctional and safety measures if, at the time of committing the crime, he was under 14. Juveniles between 16 and 18 years of age can be legally responsible only for the most serious criminal offences, and can be sentenced to imprisonment. If during the proceedings it is proved that when the minor committed the criminal offence he was in fact under 14 years of age, then criminal proceedings are immediately halted, and the competent custody organ is duly informed.

22. The Criminal Code of the Republic of Macedonia foresees a number of criminal offences where the subject of protection is the minor: murder of a child at birth, actions leading to a suicide and assisting suicide, kidnapping, sexual assault against a child, sexual intercourse with a child through abuse of position, seducing, inducing and enabling sexual activities, unlawful cohabitation with a minor, abduction of a minor, neglect and abuse of minors, selling alcohol to minors, mediating for purposes of prostitution, displaying pornographic materials to a child, changing a child's family status, kidnapping a minor, abandoning a helpless child, infringement of family duties and failing to pay maintenance.

23. In accordance with this Code, it is illegal to give or sell alcoholic beverages to minors. Minors up to 14 years of age are protected against being exposed to pornographic materials through selling, displaying or publicly exposing articles, photos, audio-visual and other objects of pornographic content, or through presentation of pornographic shows. In relation to the ban on giving alcohol to minors, younger than 16 years of age, in practice the NGO Association for the Protection of Children in Macedonia is of the opinion that the State organs have failed to control the application of the imposed bans; it also thinks that there are no compulsory age checks conducted by the persons who sell alcohol.

24. In accordance with paragraph 9 of the Preamble to the Convention, the protection of an unborn child is also provided for in the Republic of Macedonia. According to the law a child who has not yet been born is to be considered a potential heir and if the child is born alive, the court which is handling the inheritance proceedings is responsible for the realization of the inheritance rights of the child. In this respect, the court is obligated to duly inform the custody organ that a birth of a child, who may be eligible to inherit is expected, so that the custody organ shall be able to decide whether the child's interest shall be represented by the parent, or by the guardian. With the incrimination of the act "Illegal Termination of Pregnancy", the unborn child is protected de facto, although this criminal offence is in a way a unique compromise between the right to life of the unborn child on the one hand, and the right of the mother to decide independently whether to give birth to a child.

III. GENERAL PRINCIPLES

25. In accordance with the Convention, the general principles that are set out in articles 2, 3, 6 and 12, being obligatory for the States parties, must be guaranteed through legislative, judicial and administrative measures. These are the principles of non-discrimination (art. 2) the principle of the best interests of the child, the principle of respect for the views of the child (arts. 3 and 12) and the right to life, survival, and development (art. 6). All of these principles have been fully incorporated in the legal system of the Republic of Macedonia.

A. Non-discrimination (art. 2)

26. The principle of non-discrimination is incorporated in the legislation of the Republic of Macedonia at the constitutional level. According to article 9 of the Constitution, citizens of the Republic of Macedonia are equal in their freedoms and rights regardless of sex, race, colour of skin, national and social origin, political and religious beliefs, property and social status. Citizens are equal before the Constitution and the law. In accordance with this constitutional provision, the principle of non-discrimination relates to children as well. Every citizen may invoke the protection of freedoms and rights determined by the Constitution before regular courts, as well as before the Constitutional Court of Macedonia, through a procedure based on the principles of priority and urgency. The freedoms and rights of the individual and citizen can be restricted during states of war or emergency, in accordance with the provisions of the Constitution. The restrictions of freedoms and rights cannot discriminate on grounds of sex, race, colour of skin, language, religion, national or social origin, property or social status.

27. According to the Family Act, the rights and duties of parents and other relatives towards the children, as well as the rights and duties towards the parents and other relatives, are equal regardless of whether the child was born in wedlock.

28. Any act of discrimination is penalized in the Criminal Code of the Republic of Macedonia, according to which a sentence of three months to three years' imprisonment shall be imposed upon a person who, on the grounds of race, sex, language, religion, political and other beliefs, national or social origin, birth, education, social status or any other personal attributes, shall deny or in any way restrict the rights of the individual and citizen, which have been set out in the Constitution, law, other regulations or by an act or ratified international agreement, or upon a person who, on the basis of the said differences, shall afford citizens privileges and benefits.

B. Best interests of the child (art. 3)

29. This principle exists as a legal term in the legislation of the Republic of Macedonia, and has been elaborated in the family legislation, and in judicial and administrative procedures. In accordance with article 3, paragraph 2, of the Convention, the Constitution of the Republic of Macedonia provides for the right and the duty of parents to provide care, maintenance and education for their children. The parental right is elaborated in more

detail through the provisions contained in the Family Act, according to which parents have equal rights and duties towards their children in the enjoyment of their parental right, which consists of raising, care, upbringing, education, care for the health, and representing the rights and the interests of their children, as well as the development of children's skills and habits. The enjoyment of the parental right is in accordance with the principles of respecting the needs and best interests of the child. The parental right is carried out jointly and is agreed upon mutually. The parental right ceases to exist when the child becomes an adult, or in the manner prescribed in the said Act. The Centre for Social Work carries out the role of overseeing the parental right, and its duty is to take measures needed for the protection of the rights and interests of the child. In this context, the Centre for Social Work, should the child's needs demand it, could take the following measures: warn parents of the deficiencies in the education and the development of the child; provide assistance or refer them for counselling in order to eliminate deficiencies in the upbringing and the development of the child; adopt a decision for a permanent supervision of the exercise of the parental right (for all children or for a particular one); adopt a decision to take away the child from one parent and to entrust the child to the other parent for the child's care and education, or entrust the child to another person or institution if the conditions provided for by law exist); ask for information about the manner in which the child's property is managed (if there is a suspicion of abuse). In the case of abuse of the parental right or in case of gross neglect of parental duties, after obtaining a professional opinion from the Centre for Social Work, the court, in a non-contentious procedure, may adopt a decision to deny the parental right to the parent concerned. The court may decide to return the parental right to the parent if the reasons for which the right was denied cease to exist.

30. In the case of a consensual divorce, if the spouses have common children, they are required to lodge an agreement outlining the details of how they shall be performing their parental rights and duties, as well as of the maintenance and education of the children. When the court assesses the agreement made between the spouses, it must seek the professional opinion of the Centre for Social Work, for the purpose of protecting the children's best interests, and if the court finds that the agreement is contrary to the children's interest, the court will then adopt its own ruling.

31. In accordance with the Constitution of the Republic of Macedonia, the State provides special protection for orphans or children without parental care. As an elaboration of this constitutional provision, the Family Act prescribes custody of minors. The guardian of the minor is obliged to provide care for him/her as the parent would, especially regarding the minor's health, upbringing and education, represent his/her rights and interests, responsibly manage property, and prepare the minor for an independent life and work.

32. In accordance with the legal regulations of the Republic of Macedonia, adoption may take place only when it is in the best interest of the minor. The adoption may take place at the Centre for Social Work. The adoption will be finalized only when the legal conditions are met, and if it is beneficial and in the best interest of the child.

33. In the process of carrying out a court ruling, the court considers the need for protection of the child. In this context, the court can decide to impose a fine against the person who has custody of the child, or it may decide to deny custody to such a person, in which case the child will be taken from the parent and given to the other parent, another person or an institution, but only in cases where the other measures are not sufficient.

34. To respect the minor's best interests in criminal procedures, legislation has provided for special proceedings against juveniles; these are analysed in detail below. All the principles and rules of modern criminal procedural practice have been incorporated in the special criminal justice proceedings, considering, at the same time, the specific bio-psychological characteristics and personality of the minor. In criminal proceedings minors who, in view of their age and level of social skills are not able to comprehend the meaning of the law, are exempt from testifying in court, unless this is specifically requested by the defendant. The same rule applies during litigation proceedings.

35. The principle of the child's best interest has been set out in the Constitution of the Republic of Macedonia, according to which the State provides particular care and protection for mothers, children and minors. Furthermore, persons under 15 years of age cannot be employed. In cases when a minor is employed, he/she has the right to particular protection at work. Minors may not be employed in work which is detrimental to their health or morality. In accordance with the Employment Relations Act, workers under 18 years of age are provided with annual leave in accordance with the criteria defining the length of the annual leave for other workers, but an additional seven days are granted to minors. Workers under 18 years of age are not permitted to work overtime in industry, construction and transport. Minors are not permitted to work at night between 22.00 hours and 06.00 hours the following day.

36. The wider interpretation of the principle of the child's best interest encompasses the right of the child to have a healthy living environment, the right to health care, and the right to education (analysed in detail below). All these rights are guaranteed by the Constitution of the Republic of Macedonia.

C. Right to life, survival and development (art. 5)

37. The duty of the States parties, as stated in article 6 of the Convention, to recognize the inalienable right of every child to life follows from the recognized human right to life. This right is guaranteed by the Constitution of the Republic of Macedonia. According to this the human right to life is irrevocable. Only in the cases determined by the Constitution may rights and freedoms be restricted, but this does not apply to the right to life.

38. In order to ensure to the greatest possible extent the survival and proper development of the child, the Republic of Macedonia provides particular care and protection for the family, mothers, children, minors, orphans and

children without parental care. As mentioned earlier, the Constitution determines the right and the duty of parents to provide for the nurturing and education of their children.

39. The constitutionally guaranteed right to health care, social security and social insurance is of particular importance for the proper development of children. The State provides for the social protection and social security of citizens in accordance with the principle of social justice. The Constitution guarantees the right to decide freely the question of procreation. In this context, and for the purpose of maintaining a balanced economic and social development, the State conducts a humane population policy.

40. Article 6, paragraph 2, correlates directly with the duties provided for in articles 24-27 of the Convention (analysed in detail below).

D. Respect for the views of the child (art. 12)

41. As opposed to article 13 of the Convention, which guarantees the child the right to freedom of expression, regardless of whether the child is capable of forming his/her own views, article 12, ensures the child the right to be heard in all matters affecting him/her, especially during judicial and administrative proceedings. This right applies only to the child who is capable of forming his/her views (in accordance with the age and the maturity of the child). Thus, States parties to the Convention are given the opportunity to decide, within the boundaries of their domestic legal systems, in which cases and to what extent the views of the child shall be taken into consideration.

42. This provision has been incorporated in the legal system of the Republic of Macedonia. In accordance with the Family Act, during divorce proceedings (or during consensual divorce), when the decision is made on the care, maintenance and upbringing of the children, the court calls upon the Centre for Social Work to take part in these proceedings in order to protect the interests of the children. In this context the Centre for Social Work, will make a proposal relating to the care, maintenance and education of the child, and it could also, within the boundaries of this proposal, bring to light new facts and evidence that were not otherwise mentioned by the concerned parties; it can also employ other legal measures and initiate proceedings in the best interest of the child. The Centre for Social Work expresses its opinion in regard to the agreement (in cases of consensual divorce) made between the spouses, and makes an assessment of whether or not the agreement is in accordance with the child's interests. During these proceedings the Centre for Social Work applies psycho-sociological methods appropriate to the age and needs of the child and it consults the child's views (regardless of the age). The Centre, is also obliged to respect the child's views, if the child is over 10 years of age, and if this serves the child's best interest.

43. In relation to the right of the child to express his/her views during divorce proceedings, the NGO Association for the Protection of Children in Macedonia expressed the opinion that there seems to be a prevailing lack of interest on the part of parents regarding the child's views in these matters.

As a result of this type of attitude the child becomes a frustrated, passive person, unprepared to face the problems, duties, and responsibilities that lay ahead.

44. In proceedings regarding recognition of paternity, if the child is over 16 years of age, it is necessary to seek his/her approval. In accordance with the Adoption Law, in order to finalize an adoption it is required that both parents give their consent, i.e. the child's guardian or the child to be adopted, if he/she is over 10 years of age. For the adoption to take place, it is necessary that the following persons are present: the adoptive parent, his/her spouse, the biological parents or the child's guardian, and the child to be adopted, if over 10 years of age. The persons who are required to be present during the adoption proceedings are also required to sign the minutes.

45. The Inheritance Act provides that all persons of sound reason, after having attained 16 years of age, are entitled to leave their last will and testimony.

46. According to the Law on Personal Names, it is possible to change the minor's personal name, or just the personal name or the family name, upon a request by the parents, the adoptive parents or the guardian, which must be approved by the custody organ. If a request for the change of the personal name of a child who is 10 years of age is made, the child's consent is also required.

47. The Law on Religious Communities, provides that in order to be able to attend religious instruction, it is necessary to obtain the consent of the parents or guardian, and from the child, if over 10 years of age.

48. According to the Citizenship Act, a child acquires the citizenship of the Republic of Macedonia by birth, or when both parents have acquired the citizenship in the Republic of Macedonia by birth or by naturalization. Citizenship can cease upon a request by the persons concerned, but if the child is 15 years of age, it is necessary to seek the child's consent.

IV. CIVIL RIGHTS AND FREEDOMS

A. Name and nationality (art. 7)

49. In accordance with article 7 of the Convention, children in the Republic of Macedonia are registered immediately after their birth at the Registrar's Office for Births, Marriages and Deaths. According to the law, the following information is entered in the Registry of Births:

(a) Information about the birth of the child, such as personal name and family name, sex, the hour, date, month, year and place of birth, citizenship and the registration number;

(b) Information about the child's parents such as personal name and family name (for the mother, including the maiden name), the date, month, year and place of birth, nationality, citizenship and the place of residence;

(c) Recognition of paternity or maternity, legalization of adoption and termination of adoption, guardianship or termination of guardianship, celebration, termination or dissolution of marriage, change of the family name of the biological parent or of the adoptive parent, change of the child's citizenship, or declaration of death;

(d) The birth of a child is reported orally or in writing at the Registrar's Office for the district in which the child was born, within 15 days from the date of birth of the child. The birth of a child that occurred inside a vehicle is usually reported to the Registrar's Office for the district where the travelling ended. If the child was born dead, this is reported immediately, i.e. within 24 hours of the birth.

50. Medical institutions are obliged to report the births that take place on their premises. Children born outside a medical institution are usually reported by the father, or by the person on whose premises the child was born, or by the mother when she recovers, or it can also be done by a medical person who was present at the birth. If the mentioned persons are in any way unable to report the birth, it can be done by anyone who knows of the birth.

51. A child whose parents are unknown is registered at the Registrar's Office for the district where the child was found. The recording of the information takes place upon a decision by the competent custody organ, and the following information is recorded: the child's personal name and sex; the information about the hour, date, month, year and place of the child's birth is usually recorded according to the place where the child was discovered.

52. Article 7 recognizes the right of the child to bear a personal name, which is also recognized in the Law on Personal Names in the Republic of Macedonia. The personal name is the sole right of the citizen, and he/she uses the name that was recorded in the Registrar's Office for Births, Marriages and Deaths. The personal name of the child is stated for entry in the Birth Registry within two months of the date of the birth. The personal name is determined through mutual agreement by the parents. The child's family name is designated according to the family name of one or both parents, unless the parents decide that the child shall bear a different family name. If the parent is deceased, or the parent is unable to perform parental rights, or if the parent is unknown, the family name is designated by the other parent. If both parents are deceased, or in any way unable to perform parental rights, or have failed to agree on the child's name, or if they are unknown, the child is given a name by the competent custody organ, i.e. the child's family name is designated according to the family name of one or both parents. The personal name of an adopted child is determined by the adoptive parents. In case the adopted child has already been named, the adoptive parents may in the process of the adoption decide to give the child their own family name, unless it is specified in the adoption documents that the adopted child shall retain the existing family name, or the adoptive parents' family name will be added to the existing family name. A citizen has the right to change his/her name, i.e. only the personal name, or both the personal name and the family name. The name, i.e. only the personal name or both the personal name and family name, of a minor can be changed, upon a request by

the parents, the adoptive parents or the guardian, with the consent of the competent custody organ. If the minor is over 10 years of age, his/her consent is also required.

53. In accordance with the Constitution of the Republic of Macedonia, citizens of the Republic of Macedonia are holders of citizenship of the Republic of Macedonia. The Citizenship Act regulates in greater detail the manner and the conditions required for obtaining citizenship of the Republic of Macedonia. According to this Act, citizenship of the Republic of Macedonia is acquired on the following basis: origin; birth on the territory of the Republic of Macedonia; naturalization; international agreements.

54. Citizenship of the Republic of Macedonia, can be acquired on the basis of origin by a child in the following cases: (a) both parents are citizens of the Republic of Macedonia at the time of his/her birth; (b) one of the parents is a citizen of the Republic of Macedonia and the child is born in the Republic of Macedonia, unless both parents agree that the child shall acquire the citizenship of the other parent; (c) when at the time of birth one of the parents is a citizen of the Republic of Macedonia and the other parent is unknown, or with unknown citizenship, or is stateless, and the child was born abroad. Citizenship of the Republic of Macedonia on the basis of origin can be acquired by fully adopted children when one or both of the adoptive parents are citizens of the Republic of Macedonia.

55. A child who was born abroad and one of whose parents at the time of birth is a citizen of the Republic of Macedonia may acquire citizenship of the Republic of Macedonia on the basis of origin if the child is registered as a citizen of the Republic of Macedonia, or if the child has resided permanently in the Republic of Macedonia until the age of 18 with a parent who is a citizen of the Republic of Macedonia. In case of a custody litigation, citizenship can be acquired through a legally valid court ruling. The child who acquires citizenship in this manner is regarded as a citizen of the Republic of Macedonia from birth.

56. A child who has been found on the territory of the Republic of Macedonia and whose parents are unknown acquires citizenship automatically on the basis of birth on the territory of the Republic of Macedonia. The child who has acquired citizenship of the Republic of Macedonia in this manner shall be denied citizenship if, before the child reaches 15 years of age, it is determined that the child's parents are foreign citizens. This provision of the Citizenship Act of the Republic of Macedonia protects children (by preventing statelessness) which is in accordance with article 7, paragraph 2, of the Convention.

57. A child may acquire citizenship of the Republic of Macedonia on the basis of naturalization if both parents have acquired their citizenship of the Republic of Macedonia on that basis. If one of the parents has acquired citizenship of the Republic of Macedonia by naturalization, the minor may also acquire citizenship of the Republic of Macedonia if requested by parents and if the child resides in the Republic of Macedonia, or when this is requested by both parents regardless of the place of residence of the child. In cases of full adoption, the above-mentioned rule also applies and, as mentioned earlier, when the child has attained 15 years of age, his/her consent is also

required when acquiring citizenship of the Republic of Macedonia. A person acquires citizenship of the Republic of Macedonia by naturalization from the day when the decision granting citizenship of the Republic of Macedonia has been issued.

58. The citizenship of a child who has reached 18 years of age shall be revoked if so requested by both parents, whose citizenship in the Republic of Macedonia has been revoked or if the citizenship of one of the parents has been revoked with the consent of the parent who does not posses citizenship of the Republic of Macedonia. If, however, the child's parents leave separately, the child's citizenship of the Republic of Macedonia is revoked if so requested by the parent with whom the child lives, i.e. to whom the child has been entrusted for care and education, and if the parent himself/herself has applied for revocation of citizenship of the Republic of Macedonia or when the parent is a foreign citizen. In both cases, the consent of the other parent is requested. The same procedure is applicable for adopted minors.

59. If the other parent has not given his/her consent to the revocation of citizenship of the Republic of Macedonia, the child may be granted revocation if this is in the child's interest, and if approved by the competent custody organ. In cases when the child has reached 15 years of age, his/her consent is also requested.

60. In case of a full adoption, and when the adoptive parents are foreign citizens, the citizenship of adopted minors who are citizens of the Republic of Macedonia shall be revoked if so requested by the adoptive parents. If the child has reached 15 years of age, his/her consent is also requested.

61. The child's right to know his/her parents is ensured through the provision allowing the child to inspect personally the records at the Registrar's Office for Births, Marriages and Deaths, as well as through the right to have access to records and documents on the basis of which entries are made in the records at the Registrar's Office for Births, Marriages and Deaths. This right can be exercised by the person to whom the information entered relates or by another concerned party, if direct legal interest is determined by law to exist. Furthermore, personal documents issued on the basis of the records kept at the Registrar's Office of Births, Marriages and Deaths are issued at the request of the person to whom the information contained in the documents relates, or by another concerned party, or by a legal personality or authority having legal interest, as determined by law.

62. The right of the parents to provide care for their children results from the constitutional provision, elaborated in greater detail in the Family Act, according to which parents have the right and the duty to provide for the nurturing and education of their children. Minors have the right to live with their parents. The implementation of this right of the child depends on the concrete conditions. If it is in the interest of the child, or when a child needs alternative care, he/she can live separately from the parents. However, the parent with whom the child does not live has the right and duty to maintain personal contact with the child. Furthermore, with the termination of partial adoption, mutual rights and duties of the once-adopted child and his/her former family are re-established.

B. Preservation of identity (art. 8)

63. In accordance with article 8 of the Convention, the Constitution of the Republic of Macedonia guarantees the security and confidentiality of personal information. Citizens are guaranteed protection from any violation of their personal integrity deriving from the registration of personal information through data-processing. In this context, records are protected, kept, and used in accordance with the law.

64. In situations of full adoption, and in accordance with the decision made by the competent custody organ, the names of the adoptive parents shall be entered as the parents of the child, while the place of birth shall be entered in the Registry of Births, Marriages and Deaths as agreed upon by the adoptive parents and the custody organ. The Registrar is obligated to make a new entry in the Registry of Births, Marriages and Deaths, and to issue a certified copy from the Registry of Births to the adoptive parents. The Registrar is not allowed to determine or contest paternity or maternity in cases when the parental right has been established by way of adoption. It is prohibited to initiate paternity determination proceedings regarding a child conceived through artificial insemination.

65. In relation to the protection of the child's identity, the Criminal Code of the Republic of Macedonia provides in article 199, that the person who shall conceal, replace or in any other way change the family status of a child, shall be punished with imprisonment from three months to three years.

C. Freedom of expression (art. 13)

66. Article 13 of the Convention guarantees the child the right to freedom of expression, the implementation of which is connected with the right and duty of parents laid down in article 5 of the Convention, to provide in a manner consistent with the child's evolving capacities appropriate direction and guidance for the child as regards the realization of the rights of the child.

67. The Constitution of the Republic of Macedonia guarantees freedom of thought and public expression of thought, which cannot be in any way restricted. In accordance with this constitutional provision, in preschools and schools special attention is paid to the promotion of the talents of children, as well as to their free expression, during the teaching process, by forming different activity groups such as painting, literature, music, sports, computer science, etc. Parallel to these, there are a number of other associations which in different ways promote the child's freedom of expression, such as model-assembling groups, music and dance associations, Scout organizations, artistic workshops, environmental associations.

68. In accordance with article 13, paragraph 2 of the Convention, this right may be restricted only in cases determined by law. As mentioned earlier, according to the Constitution of the Republic of Macedonia, the restrictions of the freedoms and rights, in cases determined by the Constitution, are not applicable to this right. The Criminal Code of the Republic of Macedonia

makes provisions for criminal offences such as slander, insult and divulging State secrets, which serve to sanction any abuse of the right to public expression.

D. Access to appropriate information (art. 17)

69. The Constitution of the Republic of Macedonia guarantees the freedom of public information and the establishment of institutions for public information. At the same time, citizens are guaranteed free access to information and the freedom to receive and transmit information.

70. In accordance with article 17 of the Convention, in the Republic of Macedonia the media are used for the purpose of enabling children to access materials and information from national and international sources which are adequate and relevant to their age and development. Therefore, the electronic media broadcast daily special children's educational programmes, and other programmes in the fields of culture, film and entertainment suitable for children of different ages. Children's programmes in the electronic media are also broadcast in the languages of national minorities. In accordance with the need to encourage international cooperation in the exchange of information relevant for children, programmes have an international as well as a national character.

71. In the Republic of Macedonia, there are several children's weekly and monthly magazines. The publishing of these magazines is State subsidized. In addition to the Macedonia language, the magazines are also published in the languages of the national minorities.

72. In order to meet the needs of the education process, the State subsidizes the publishing of a number of children's and youth books, by national and foreign authors. In addition to the Macedonian language, these books are also published in the languages of the national minorities.

73. In relation to point (e) of article 17 of the Convention, the existing Law on Public Information does not contain precise provisions that would protect juveniles from information that is detrimental to them. Only the provisions relating to the abuse of the freedom of information, contained in article 96, provide for a ban on the distribution of printed materials which are detrimental to children and youth. This general ban also refers to the broadcast of programmes via the electronic media. This provision, however, is of a general nature, and it fails to define precisely how children are to be protected from information which could be detrimental to them.

74. As mentioned earlier, the Criminal Code of the Republic of Macedonia foresees sanctions only in relation to the display of pornographic material to children under the age of 14. In no other article does the Criminal Code foresee the sanctioning of acts such as displaying or making accessible audio-visual or other material with a violent content.

75. According to the administrative practice of the Ministry of Internal Affairs in reference to the procedure of issuing approval for the importation of pornographic magazines, on the import certificate, it is stipulated that the importer is obligated to sell such materials in an appropriate way

(i.e. they must be packaged in non transparent foil). However, it is not stipulated that these materials are to be sold in specialized places, which could be done in the future in order adequately to protect juveniles pursuant to article 17 of the Convention.

E. Freedom of thought, conscience, and religion (art. 14)

76. The right of the child to freedom of thought, conscience and religion is laid down in article 14 of the Convention, which right results from the human right to freedom of thought, conscience and religion guaranteed in article 18 of the International Covenant on Civil and Political Rights. In accordance with paragraph 4 of this article, parents have the freedom to ensure religious and moral guidance for their children in conformity with their own convictions. This parental right is in accordance with article 14, paragraph 2, of the Convention, and it relates only to children who are unable (in accordance with their development) to form their own opinion concerning the subject of religion. Older children who are able to form their own opinion regarding their religious affiliation must be consulted regarding religious instruction.

77. The Constitution of the Republic of Macedonia guarantees the freedom of personal conviction, conscience, thought and public expression of thought, while the right to express one's faith freely and publicly, individually or with others, is also constitutionally guaranteed. Religious communities and groups are separate from the State and equal before the law. Citizens are free to establish schools and other social and charitable institutions by way of a procedure regulated by law.

78. In accordance with the Law on the Legal Status of Religious Communities, the expression of religion is considered to be a private matter and no one is permitted to force a citizen to become a member of any religious community, or to remain a member of a particular religious community, or to leave such a community. Religious instruction can take place in public premises where religious customs, and religious matters are conducted. The consent of the parents or guardian of a child over 10 years of age is required in order to attend religious instruction. Religious instruction cannot be conducted when students have classes at school or when engaged in other school activities. Furthermore, the laws on primary and secondary education do not permit organizing religious instruction in primary and secondary schools.

79. Religious communities may establish only religious schools for training priests and facilities to provide accommodation for the students of such schools. These schools may only be attended by persons who have completed their compulsory primary education. The education programmes and instruction in religious schools must be in accordance with the Constitution. Students in religious schools enjoy the same rights as students in secondary schools.

80. In relation to the enjoyment of the right of the child to freedom of thought, conscience and religion, de lege ferenda, it is possible to determine the age when the child can independently decide to what denomination (or ideological conviction) he/she wishes to belong. In this context, the NGO Association for Protection of Children in Macedonia shares the opinion that it is necessary to respect the right of the child in reference to the freedom of

religion, in accordance with his/her maturity, regardless of the parental denomination. Therefore, it is necessary to determine the age at which children shall not be forced to practise any particular religion, to discover methods for adequate and fair information, and finally to protect children from religious propaganda.

F. Freedom of association and of peaceful assembly (art. 15)

81. Article 15 of the Convention guarantees the right of the child to freedom of association and the freedom of peaceful assembly, which fully corresponds with articles 21 and 22 of the International Covenant on Civil and Political Rights, which relate to every human being.

82. According to the Constitution of the Republic of Macedonia, citizens are guaranteed freedom of association to exercise and protect their political, economic, social, cultural and other rights and convictions. Thus, citizens may freely establish associations of citizens and political parties, join them or resign from them. Furthermore, citizens have the right to assemble peacefully and to express public protest without prior announcement or a special licence.

83. Although the Law on Social Associations and Associations of Citizens stipulates that social organizations and citizens' associations can be formed by adults, a great number of children are members of various NGOs, associations and groups. The most active NGOs, whose membership consists mainly of children are The First Children Embassy in the World - Medjashi, which is registered as a citizens' association of humanitarian - social character and whose principal activity is to protect children's rights, and Association for Protection of Children in Macedonia, registered as a youth NGO, which works for the protection and the promotion of the rights of all children in Macedonia.

84. In relation to the enjoyment of the right of peaceful assembly and the right to freedom of expression of public protest, the Criminal Code of the Republic of Macedonia foresees sanctions for a person who shall, by force, serious threat, deception, or in any other way, halt or interrupt the calling for or staging a public assembly that citizens are legally entitled to.

G. Protection of privacy (art. 16)

85. Article 16 of the Convention reaffirms the right of the child to privacy, which right is laid down as a basic human right in article 17 of the International Covenant on Civil and Political Rights. Consequently, the Constitution of the Republic of Macedonia guarantees each citizen the respect and protection of the privacy of his/her personal and family life and of his/her dignity and repute. The inviolability of the home is also guaranteed. The right to inviolability of the home may be restricted only by a court decision in cases of the detection or prevention of criminal offences or the protection of people's health. In accordance with the constitutional provisions, the Criminal Code of the Republic of Macedonia sanctions the violation of the home by an unauthorized person, as well as making public personal and family circumstances, that could be detrimental to a citizen's reputation.

86. As mentioned earlier, divorce proceedings (if a decision is to be made for the care and education of children), adoption, determining or denying paternity or maternity, as well as criminal proceedings against juveniles, are held in camera, in order to protect the integrity and reputation of the minor. The principle of confidentiality is applicable when using or issuing details for registration, citizenship, adoption and other personal details (see sect. B above).

H. The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment (art. 37 (a))

87. The Constitution of the Republic of Macedonia prohibits any form of torture or inhuman or humiliating conduct or punishment and proclaims the human right to physical and moral dignity as irrevocable. Thus, the death penalty cannot be imposed on any grounds whatsoever in the Republic of Macedonia.

88. The criminal legislation of the Republic of Macedonia foresees special treatment of juvenile criminal offenders (analysed in detail below). Only in exceptional cases, when found proper by law, can an older juvenile be sentenced to juvenile prison. Juvenile imprisonment cannot be shorter than a year or longer than 10 years, the sentence being given in full or half years. When pronouncing such a measure, the law obliges the court to take into consideration the psychological maturity of the minor.

V. FAMILY ENVIRONMENT AND ALTERNATIVE CARE

A. Parental guidance (art. 5)

89. In accordance with article 5 of the Convention, the legislation of the Republic of Macedonia provides the rights, responsibilities and duties of parents (through the enjoyment of parental rights) to provide appropriate direction and guidance for their children in the realization of their rights. The basic idea of article 5 is that parents should exercise their parental right in a manner which is consistent with the evolving capacities of the child, in other words, the rights of the child should be limited, only to the extent necessary to achieve the best interest of the child.

90. As outlined earlier, the Constitution of the Republic of Macedonia foresees the right and duty of parents to provide for the nurturing and education of their children. This constitutional provision has been elaborated in greater detail in the Family Act according to which parental rights are established with the birth of a child, or with the act of adoption. The relations in the family are in accordance with the principles of equality, mutual respect and assistance, maintenance, and protection of the interests of children. The relationship between parents and children is based on the rights and duties of parents to provide for the nurturing, education and health of their children, and to prepare them for an independent life and work through education, training and the development of skills and good work habits. The parental right encompasses the duty of parents, while taking care of the child's personality, rights and interests, to act on behalf of their minor children.

91. Minors can own property, based on certain legal grounds. The minor's parents manage the minor's property until he/she reaches full age, except in cases when the property results from the minor's employment. The proceeds from the child's property can be used by the parents for the child's maintenance, upbringing, education, and to meet the needs of the family, if the parents themselves do not have sufficient funds. Parents, with the permission of the Centre for Social Work, can sell or mortgage the property of their child for the child's maintenance, upbringing and education, or when this is required by other interests or for the immediate needs of the family.

92. The exercise of the parental right may be denied or restricted if this is in the child's interest, under conditions determined by law.

B. Parental responsibilities (art. 18)

93. Article 18, paragraph 1, of the Convention reaffirms the principle that both parents are responsible for the raising and development of the child, which is promoted in article 23, paragraph 4, of the International Covenant on Civil and Political Rights, as well as in article 16 (d) of the Convention on the Elimination of All Forms of Discrimination against Women. This principle has been incorporated in the Family Act, and it represents an integral part of the legal order of the Republic of Macedonia. In accordance with this principle, parents have equal rights towards their children, and they exercise these rights through mutual agreement; in other words, these rights belong equally to the mother and the father. When one of the parents is deceased, unknown, or if he/she has been denied the parental right, or for any other reason is unable to perform the parental right, then the parental right is exercised by the other parent. The parental right is exercised by parents in accordance with the children's needs and interests. In order to exercise the parental right freely and responsibly, parents are obligated to ensure optimal conditions for the healthy growth and development of their children in the family and the community. In case of a disagreement between the parents relating to the exercise of the parental right, a decision is made by the Centre for Social Work.

94. The principle of responsibility of both parents in the process of raising their common children is more precisely defined in the proceedings regarding marital disputes. During these proceedings, then during the court proceedings for settlement of the dispute, and in the course of the entire divorce proceedings, when the spouses have common children or adopted children the court is obligated to cooperate with the social work authorities. If the spouses fail to resolve their dispute, the social work authorities will insist that they reach an agreement for the care and upbringing of their minor children. In cases of consensual divorce, when the spouses have common or adopted children the agreement detailing the manner of exercising the parental right in relation to the care, education and maintenance of the children is submitted orally or in writing, to be entered in the minutes of the competent court. When assessing the spouses' agreement on the manner in which they are to exercise their parental rights in regard to the accommodation, maintenance and education of the children, the court is obligated to obtain the opinion of the competent social work organ, and if it finds that this agreement is contrary to the interest of the children, then it shall deny the request for consensual divorce.

95. In accordance with the Constitution of the Republic of Macedonia, in order to provide adequate assistance to parents in the exercise of their parental right, as well as for the more comprehensive implementation and promotion of the rights contained in the Convention, the State provides special care and protection for the family, mothers, parentless children and children without parental care. The constitutionally guaranteed right to health care, social protection and social security is realized in accordance with the principle of social justice and solidarity.

96. In this context, according to the Family Act, the issues relating to special protection and assistance to the family, and for adoption and custody, are considered by the Centre for Social Work, which applies expert methods, counselling and interdisciplinary teamwork, as determined by law. The Centre for Social Work supervises the exercise of parental rights and, within this framework, it considers cases of lack of agreement between parents regarding the exercise of the parental right. The Centre is obligated to take all the necessary measures to protect the personality, rights and interests of the child, then to assist parents to properly bring up and educate the child. The Centre, as part of its counselling work, can refer parents, separately or with the child, to relevant counselling services, or to any other medical, social or educational institution that may be able to provide them with the necessary advice.

97. In order to ensure the social protection of children, if a child's family's earnings are below the required minimum to provide maintenance for the family, the Centre for Social Work determines whether such a family has a right to welfare assistance. In order to secure financial security for the child, provisions have been made for child maintenance assistance in cases when the parents' earnings are below the required minimum.

98. In order to ensure the functioning of the adult members of the family, children of preschool age are admitted to kindergarten, starting at 9 months of age up to 5, while from 5 to 7 years of age children attend preschool institutions, where they prepare for primary education. Meals, health care, play and education suitable to the age of the children are offered at these institutions. Parents pay a minimum price for such preschool institutions, which is adjusted to their monthly income.

C. Separation from parents (art. 9)

99. In accordance with the Family Act, minors have the right to live separately from their parents. A child can live separately from his/her parents only when this is of immediate interest to the child, or when this serves the interests of both parents and the child. The parent(s) with whom the child does not live with has (have) the right and duty to maintain personal contact with the child.

100. In accordance with article 9 of the Convention, the Criminal Code of the Republic of Macedonia penalized the illegal abduction of a minor from his/her parent, guardian, institution, or from the person who has custody of the child; the Code also penalized obstructing or preventing the child in any way from being with the person who has custody, or obstructing the enforcement of a court ruling regarding the custody of the minor.

101. Under the Family Act parents may entrust the child to third persons for the child's care and upbringing, or place the child in an appropriate institution if this serves the interest of the child. If the person who exercises the parental right is absent from the place of residence on reasonable grounds for a certain period of time and their children are not with them, they can be left with another person to be cared for and to be brought up, on condition that the Centre for Social Work gives its consent to such arrangement. However, it must be remembered that the child cannot be left with a person who is not fit to be a guardian. In cases when the child's parents do not live together, they are to reach an agreement regarding the issue of whom the child shall live with. However, if they fail to agree on this issue, or if their agreement is not suitable for the interest of the child, the decision is then made by the Centre for Social Work. Furthermore, in such cases parents are to reach an agreement on the manner of maintaining personal contacts with the child. In case of a dispute the decision is made by the Centre for Social Work. Personal contacts between children and their parents can be restricted only for the purpose of protecting the health and other interests of the child.

102. The court ruling on the dissolution of a marriage also contains provisions regarding the provisions for the care and education of the spouses' common children. If the parents fail to agree on this issue, or when their agreement does not serve the interests of the children, the court, having obtained a professional opinion from the Centre for Social Work, will examine all circumstances and will make the decision whether the children will stay with and be educated by one parent, or some of the children will stay with one parent and the other children will stay with the other parent, or whether the children shall be entrusted to a third party or an institution. In such cases, the parent who has not been granted custody of the children still has the right to maintain personal contacts with them, unless the court has decided otherwise, considering the interests of the children. The court will decide whom the children shall be entrusted to for their care and education in cases when the court deliberates a ruling by which a marriage is proclaimed null and void, as well as in cases of disputes regarding the recognition or the denial of paternity or maternity. In such cases the court can require the party with whom the children are staying to return the children to the other parent, a third party or to an institution.

103. As mentioned earlier, the Centre for Social Work supervises the exercise of the parental right, and is obligated to take all necessary measures to protect the person, the rights and the interests of the child. If it is in the interests of the child, the Centre for Social Work can warn the parents about the deficiencies in the upbringing, and development of the child, and assist them in an appropriate manner; the Centre for Social Works can also make a decision for permanent supervision of the exercise of the parental right in respect of some or all of the children.

104. Other than through a court ruling, as set out in article 9 of the Convention, according to the Family Act, the Centre for Social Work can adopt a decision to take away a child from one parent and entrust the child to the other parent for the child's care and education, or it can hand the child over to a third person or to an appropriate institution. When the parent or parents with whom the child resides, neglects or neglect the child in respect

of his/her care and education, or when there is a serious danger to the child's proper development and education, the Centre for Social Work can take away the child from one parent, and entrust him/her to the other parent, or to a third party or to an appropriate institution. In cases when the parent who has been entrusted with the care and education of the child prevents the other parent from maintaining personal contacts with the child, the Centre for Social Work can remove the child from that parent and entrust the child to the other parent, to a third party or to an appropriate institution. It is possible to lodge an appeal with the Ministry of Labour and Social Policy against such a decision. If the Ministry, during the second instance proceedings, reaffirms the first instance decision, however, the person who has legal interests is entitled to initiate an administrative suit before the authorized court.

105. If a child is removed in this way, this does not mean that the other rights and duties of parents towards the child cease to exist. When the reasons for which the child was removed from his/her parents cease to exist, the Centre for Social Work, through an appropriate decision, shall return the child to his/her parent(s).

106. In case the parent abuses the parental right or neglects to perform parental duties, after a professional opinion has been obtained from the Centre for Social Work the court through a relevant ruling, in a non-contentious procedure, denies the parental right to the parent. This may be applicable for all children, or for only one of them. The proceedings for denying the parental right can be initiated by the other parent, the Centre for Social Work or the Public Prosecutor. The Centre for Social Work is obligated to initiate proceedings for denying the parental right, and to take immediately all necessary measures for the protection of the person, rights and interests of the children, when it discovers that there is a danger of abuse of the parental right, or a danger of gross neglect of parental duties, i.e. when there are reasonable grounds to remove the exercise of the parental right. If the parental right has been denied through a court decision, it is also possible to return this right to the parent through a court decision when the conditions on the grounds of which this right has been originally denied cease to exist. The proposal to return the parental right can be lodged by the same persons who can initiate the proceedings for the denial of such rights.

107. The Centre for Social Work can, independently or upon a proposal by the parents, the guardian, the person with whom the child was entrusted for care and education or the Public Prosecutor, place the child in an appropriate institution if the child's behaviour has been significantly altered. In accordance with the provision for special criminal proceedings for juveniles, the juvenile judge can order that, during the proceedings, the juvenile is placed in a shelter, an educational or similar institution, under the supervision of a custody organ or handed over to another family, if it is necessary that the juvenile is isolated from his/her environment, or for the purpose of providing assistance, protection or accommodation for the juvenile. Furthermore, in exceptional cases, the juvenile judge can rule that the juvenile is detained, when grounds are provided by law. According to the Criminal Code of the Republic of Macedonia, within the framework of the educational measures to which the juvenile can be sentenced, there are also

other measures prescribed, such as custodial measures, i.e. placing the juvenile in an institution. Custodial measures are to be applied for juveniles when there is a need for a prolonged correction measure, re-education, medical treatment, or when there is a need for complete isolation of the juvenile from his/her environment. In exceptional cases, older juveniles may be sentenced to juvenile imprisonment. In all these cases parents have the right to receive all relevant information about the facility the juvenile is placed in. They are also entitled to maintain personal contact with him/her. In cases when a parent is imprisoned, the internal affairs organ, i.e. the court, is obligated, within 24 hours, to inform the family about the imprisonment of the person. With the permission of the authority which pursues the investigation, and under its supervision, the detained person can, within the prescribed rules, be visited by close relatives.

D. Family reunification (art. 10)

108. In accordance with the Constitution of the Republic of Macedonia, every citizen has the right of free movement on the territory of the State and freely to choose his/her place of residence, as well as the right to leave the territory of the State and to return to the State.

109. In accordance with article 10 of the Convention, under the Law on Movement and Residence of Foreign Citizens, a foreign citizen who enters the territory of the Republic of Macedonia for the purpose of obtaining permanent residence who has a spouse or a close relative who is a citizen of the Republic of Macedonia and has permanent residence on the territory of the Republic of Macedonia, or a foreign citizen who is the spouse or a relative of foreign citizens who permanently reside in the Republic of Macedonia, is issued a residence visa. The residence visa can be issued to the members of the immediate family of the foreign citizen. A foreign citizen entering the Republic of Macedonia with a valid passport can remain in the country up to three months, i.e. until the visa expires, unless this has been otherwise regulated by international agreements. If a foreign citizen enters the Republic of Macedonia in order to enter into a marriage with a citizen of the Republic of Macedonia, or enters the Republic of Macedonia for any other reasonable grounds to stay in the country for a longer period, then he/she can apply for a temporary residence permit before the expiry of the visa in the passport. The temporary residence permit can be renewed for a year at most, if the conditions prescribed in the said Law are met. A foreign citizen who has legally resided on the territory of the Republic of Macedonia for three consecutive years and fulfils the conditions for permanent residence can be issued a permanent residence permit. The temporary or permanent residence permit may be issued to a child until he/she attains 18 years of age, or to a spouse of a foreign citizen who has a permanent or temporary residence permit in the Republic of Macedonia.

110. The Minister of Internal Affairs makes the decision whether to revoke the residence permit of a foreign citizen. In making the decision the length of the foreign citizen's residence in the Republic of Macedonia is taken into consideration, along with his/her personal, economic, and other ties with the Republic of Macedonia, as well as the consequences which he/she or his/her family may suffer from the implementation of such a measure.

111. In case of the detention of a juvenile foreign citizen who has entered the territory of the Republic of Macedonia without a valid passport or without the knowledge or permission of his/her legal representatives, i.e. without adequate protection or security and with no means to support himself/herself, or who has failed to respect the regulations in the Republic of Macedonia, the authorized officer from the Ministry of Internal Affairs immediately informs the local diplomatic or consular representative of the country of which the detained juvenile is a citizen. If the juvenile is a citizen of a neighbouring country, he/she is sent back to the country of origin. If the juvenile cannot be immediately handed over to the authorities of the country whose citizen he/she is, then the juvenile will be placed in a foreign citizens' shelter.

112. The Law on Movement and Residence of Foreign Citizens provides for the foreign citizens' right to seek asylum in the Republic of Macedonia. A foreign citizen who has been granted the right to asylum automatically acquires the right to permanent residence in the Republic of Macedonia and can enjoy all rights resulting from permanent resident status. Furthermore, this Law recognizes refugee status for stateless persons and for foreign citizens. Children of the person who has been granted refugee status enjoy the same rights as their parents.

113. In order that the great number of children refugees on the territory of the Republic of Macedonia can be reunified with their parents, the NGO The First Children Embassy in the World - Medjashi, with the assistance of several NGOs and of government institutions of several countries, has organized free-of-charge transportation for children refugees to the countries where their parents are staying. This programme covered 4,000 people, of whom 60 per cent were children.

E. Recovery of maintenance for the child (art. 27, para. 4)

114. According to the Family Act, and in line with the constitutional provision, the maintenance of the family members and other relatives is a right and duty. In cases when maintenance of the family members and other relatives cannot be achieved, the State provides the necessary financial assistance in accordance with the conditions determined by the Act. The right to maintenance can be waived.

115. Parents are obligated to provide for the maintenance of their children. Other close relatives, as well as their brothers and sisters, are also responsible for the maintenance of the minor children. The stepfather and stepmother are obligated to maintain their stepchildren unless the children have relatives, who are obligated to provide maintenance for them, according to law, assuming that they are able to do so. The duty of the stepfather or the stepmother to provide maintenance for their stepchildren does not cease after the death of the child's parent, to whom the stepfather or stepmother was once married, provided the stepmother or stepfather and the stepchildren lived together in the same family unit until the death. If the marriage between the parent and the stepfather or stepmother has been declared null and void, or if they have been divorced, the duty to provide maintenance ceases to exist.

116. When determining the need for maintenance assistance for a person, the court will take into the account the person's property status, capacity for work, prospects of employment and health situation, as well as other circumstances that directly influence the assessment of the person's needs. When the court deliberates a decision regarding maintenance payments for a child, it takes into the account the child's age and the needs arising from the child's education. When determining the abilities of the person obligated to advance the maintenance payments, the court considers all his/her income and the realistic possibilities of earning income, as well as his/her personal needs and the legal obligations resulting from the maintenance provided to other persons.

117. In disputes between parents regarding the maintenance for a child, the court, when considering maintenance assistance to the parent who has custody of the child, shall examine the work and care involved in the upbringing of the child by the parent. The court can set the amount of the maintenance as a fixed sum, or as a percentage of earning, or a percentage of income from other sources. The concerned party can request that the court increase or decrease the maintenance or end the maintenance if there is a change in the circumstances based on which the original decision was made.

118. The Centre for Social Work can, on behalf of the child, initiate a suit regarding the maintenance, or regarding an increase of the existing maintenance, in case the parent with whom the child is living does not exercise this right. If the parent does not request the enforcement of a court ruling regulating the maintenance, the Centre for Social Work can, on behalf of the minor, lodge an application for the enforcement of such ruling. The Centre for Social Work will insist that parents agree on the issue of maintenance for the child. The Criminal Code of the Republic of Macedonia penalizes the violation of the duty to provide maintenance. The person who shall avoid paying maintenance to a person who is entitled to maintenance payments which have been regulated by a court decision or through a court settlement or by a decision of any other competent body, can be sentenced to up to one year's imprisonment or a fine. The Law on Enforcement of Court Rulings provides additional protection for the beneficiaries of maintenance. In accordance with the said Law, maintenance payments to which one is entitled to by law and payments for damages due to the loss of maintenance are exempt from enforcement upon the death of the person who is required to make the maintenance payments. On the other hand, requests for maintenance have priority, and are usually addressed before any other claim (they suspend the rule qui prior est tempore, potior est jure).

119. In the realization of the duties laid down in article 27, paragraph 4, of the Convention, the Republic of Macedonia is a State party to the Convention on the Recovery Abroad of Maintenance of 1956.

F. Children deprived of a family environment (art. 20)

120. In accordance with the constitutional provisions which guarantee the right to social protection, social security, social insurance and health care (see sects. III.B and C), the Family Act provides for the instrument of guardianship. The State provides special protection for minors deprived of their family environment. Guardianship is provided directly by the Centre for

Social Work through appointment of guardians or persons who are able to perform the guardianship role. The Centre for Social Work takes all necessary measures to realize the aims of guardianship and in this context prepares, adopts and applies its decisions, i.e. measures, various forms of social protection and of social or professional assistance; it also uses the services of social, health, educational, and other institutions.

121. The proceedings for placing a minor in care are initiated ex officio or at the request of the concerned parties. These proceedings are urgent. When the Centre for Social Work learns of the need to place a minor in care, the Centre immediately takes all necessary measures to protect the rights and interests of the minor, and it also initiates the required proceedings for placing the minor in care. When making a decision about the form of protection needed for the minor who is to be placed in care, the Centre for Social Work will be primarily guided by the minor's interest and the interest of his/her family, as well as the financial means. The Centre for Social Work cooperates with other competent organizations and organs in the realization of the protection.

122. When appointing a guardian the Centre for Social Work defines the guardian's duties and the extent of his/her authority; before it makes this decision it provides the prospective guardian with information about the importance of the guardianship, the rights and duties, and with all other relevant information. The guardian will be issued a custody document in which his/her duties are outlined. The role of guardian cannot be performed by: a person whose parental right has been revoked or whose legal capacity has been restricted, or by a person whose interests are contrary to the interests of the minor concerned or by a person who, owing to his/her past and present conduct, his/her relationship with the minor and his/her personal characteristics, cannot be expected to perform the guardianship role properly. The Centre for Social Work is obligated to inform the Registrar's Office of Birth, Marriages and Deaths of the decision to place a minor under guardianship or of the decision to terminate guardianship, within 15 days from the day the decision was made.

123. A juvenile shall be placed in care if left without parental care. The child without parental care is considered to be a child whose parents are deceased, missing, or unknown, or a child whose parents, temporary or permanently, regardless of the reasons, do not fulfil their parental rights and duties. The guardian of the minor is obligated to provide care as a parent would, especially for the minor's health, upbringing and education, and to provide him/her with the necessary skills for independent life and work. In this context, the guardian can, only with the approval of the Centre for Social Work, interrupt the education of the minor, change the type of education, decide on the choice of education, change the vocational training of the minor, and also take other measures in regard to the minor as determined by law. The guardianship over an under-age person will cease when the juvenile attains legal maturity, or by contracting a marriage, by way of adoption, or when the reasons for which the minor was placed in care cease to exist.

124. The Centre for Social Work can appoint a special guardian for the child who has parents who exercise the parental right, in the case of a legal

dispute between the child and the parents, or when legal documents are to be signed between the child and the parents, as well as in other situations where there is evident conflict of interests. The Centre can appoint a special guardian for a minor who is already in care regarding dispute settlements between the guardian and the minor, or when legal documents are to be signed between the juvenile and the guardian, as well as in other situations where there is evident conflict of interests. When a dispute is to be settled, or when legal acts are to be signed, or when there is conflict of interest between the individual minors who are provided care by the same person who has parental rights, or between individual minors who are in the custody of the same guardian, the Centre for Social Work will appoint guardians for each of the juveniles who shall, on their behalf, settle the dispute or sign the documents. In relation to the obligations that result from article 20 of the Convention, the NGO Association for Protection of Children in Macedonia is of the opinion that there is a need to devote greater attention to parentless children, for the purpose of improving conditions in the orphanages, and also to design solid educational and recreational programmes or to improve the existing ones.

G. Adoption (art. 21)

125. According to the Family Act, with the act of adoption, relationships are established as they would have been established through the birth of the child (full adoption), or only the relationship that exists between parents and children (partial adoption). The type of relationship that is going to be formed with the act of adoption depends on the wishes of the person who is adopting, the parents of the child who is to be adopted or the guardian, or on the child himself if over 10 years of age. As mentioned earlier, only minors can be adopted; the adoption is carried out at the Centre for Social Work only if it serves the interests of the minor.

126. The said Act precisely details who is an eligible adoptive parent. According to the rules, only a person who is a citizen of the Republic of Macedonia can become an adoptive parent. As an exception, a foreign citizen can become an adoptive parent through a special permission issued by the Ministry of Labour and Social Policy, upon the proposal by the Centre for Social Work. A person who is at least 18 years older than the adopted child can become an adoptive parent. When the child is adopted by the spouse of the parent the difference in the age could be less, or when each of the spouses adopts a child at the same time or consecutively, the age difference requirement needs to be met only by one spouse. It is not possible to adopt a close relative, or a brother or a sister. The following persons may not become adoptive parents: a person whose parental right has been revoked, or restricted in any other way; a person whose legal capacity has been restricted; a person for whom there is reasonable doubt to believe may abuse the parental authority; a mentally ill person; a person with psychological problems; a person who suffers from an illness that might be injurious to the adopted minor's health and life. In order to carry out an adoption it is necessary to obtain the consent of both parents of the child to be adopted or the child's guardian, as well as that of the child if over 10 years of age. The person who wishes to adopt a child must file an application with the Centre for Social Work for the district of the applicant's place of residence. The application, completed with all necessary documents, is the basis on

which the Centre for Social Work makes the assessment of the eligibility of the person applying for adoption, and her/his motives for the adoption.

127. At the adoption hearing the following persons are to be present: the person applying for adoption and his/her spouse, the child's parents or guardian, and the child to be adopted if over 10 years of age. The adoption is conducted in camera.

128. The consent for the child's adoption may also be submitted by the parents or parent who has parental rights at the Centre for Social Work, even without adoptive parents being designated. In this case, during the adoption proceedings the consent is provided by the child's guardian. The consent for the child's adoption is given in written form by the parents, regardless of their marital status or actual relationship, at the premises of the Centre for Social Work. This approval is hand written by the parent, and it is signed, and countersigned by the authorized representative from the Centre for Social Work. The consent for the adoption is given by the child's parents when the child reaches the age of three months. The adoption can take place at this time. This type of consent can be withdrawn until the adoption is due to take place.

129. If the Centre for Social Work, based on the content of the documents and the review, or through any other means, determines that the conditions prescribed by the law are met and that the adoption shall be beneficial for the child, then the Centre will commence the adoption proceedings; if the required conditions are not met the Centre for Social Work can deny the adoption application. However, it is possible, when the request for adoption is denied, to lodge an appeal with the Ministry of Labour and Social Policy within 15 days. After the authorized officer from the Centre for Social Work confirms and checks the identity of the persons present by inspecting their personal identification documents and confirms that they are the persons that need to be present at the adoption, the officer will then inform them of the rights and duties resulting from adoption and shall request the statements giving consent for the adoption. Minutes are kept during the adoption process. In the minutes and in the adoption documents the following is recorded: information about the adoption, and in cases of partial adoption the agreement regarding the adopted child's name, place of birth and inheritance rights in respect of the adoptive parents. The minutes are signed by the person authorized to represent the child, the parents or the guardian of the child, and the child's adoptive parents.

130. Once the adoption is finalized, the names of the adoptive parents are entered in the place reserved for parents' personal information in the records at the Registrar's Office of Births, Marriages and Deaths, and in the place reserved for the details of the place of birth, the place of birth agreed between the Centre for Social Work and the adoptive parents is recorded. The Registrar is obligated to make a new entry in the Registry of Births, and to issue a new birth certificate to the adoptive parents.

131. In cases of full adoption the rights and duties (including inheritance rights) inherent in the relationships between blood relatives are established between the adoptive parent and his/her family and the adopted child and

his/her family. Mutual rights and duties between the adopted child and his/her former family cease to exist in cases of full adoption. Full adoption cannot be terminated.

132. In cases of partial adoption the relationship between the adopted child and the adoptive parents corresponds to the relationship that exists between parents and children. The inheritance rights between the adoptive parent and the adopted child, and his/her children, become mutual with the act of adoption. In this case the inheritance right of the adopted child can be limited, or entirely excluded, if at the time of the adoption the adoptive parents have their own biological children. In this case, according to the said Act, the adoptive parent cannot legally inherit from the adopted child or his/her children. Partial adoption can be terminated upon mutual agreement between the adoptive parent and the adopted person, in accordance with the provisions regulating adoption. If the adopted person is still a minor the Centre for Social Work is obligated to examine and to make a decision whether or not the termination of the adoption is beneficial for the adopted child. The Centre for Social Work, at the request of either the adoptive parent or the adopted person, can make the decision to terminate partial adoption if it determines that there are reasonable grounds for this. As a result of the termination of a partial adoption, mutual rights and duties between the adopted child and his/her former family are re-established.

133. The decision terminating the adoption is lodged with the Registrar's Office in order that the new personal information can be entered in the Registry of Births.

H. Illicit transfer and non-return (art. 11)

134. In accordance with article 11 of the Convention, the Criminal Code of the Republic of Macedonia penalizes criminal offences such as kidnapping or abduction of a minor. According to the said Code the person who shall abduct another person with the purpose of forcing the abducted person or another person to perform certain activities or suffer certain acts shall be sentenced from 1 to 10 years' imprisonment. If this act was committed on a minor, or when in order to accomplish the abduction the abductor threatens to terminate the person's life, or inflicts heavy physical injuries on the abducted person, the abductor shall be sentenced to three years' imprisonment at least. The person who shall unlawfully abduct a minor from his/her parent, adoptive parent, guardian, institution, or from the person who has custody, or who shall delay or obstruct the child from being with the person who has custody, or in any way obstructs the enforcement of a custody court order, shall be sentenced to up to one year's imprisonment. If these acts are committed for personal gain, or for reasons of questionable nature, or by the use of excessive force, threat or deception, and if as a result of this act the child's health, upbringing and education have been threatened, then the likely sentence ranges from three months up to three years' imprisonment. These types of penalty relate to all types of kidnapping or abduction in the country, as well as if the minor is removed outside the borders of the Republic of Macedonia.

135. In accordance with article 11, paragraph 2, of the Convention, the Republic of Macedonia should, as soon as possible, accede to the Hague

Convention on Civil Aspects of International Child Abduction, of 25 October 1980, as well as to the European Convention on the Recognition and Enforcement of Decisions concerning Custody of Children and on Restoration of Custody of Children of 20 May 1980. This was also the appeal made by the NGO The First Children Embassy in the World - Medjashi.

I. Abuse and neglect (art. 19) including physical and psychological recovery and social reintegration (art. 39)

136. The Criminal Code of the Republic of Macedonia, in several of its articles, penalizes the abuse and neglect of children. According to the said Code, the following are criminal offences: murder of a child at birth; actions leading to suicide and assisting suicide (when the victim is a juvenile); abduction (when the victim is a juvenile); sexual attack on a child; sexual intercourse with a juvenile through abuse of authority; seducing, soliciting and/or assisting sexual activities with a minor; unlawful cohabitation with a minor; changing the family status of a minor; neglect or abuse of a minor; violation of family duties; incest; serving alcoholic drinks to a minor; mediating in the prostitution of a minor; displaying pornographic materials to a minor and abandoning a helpless child.

137. As mentioned earlier (see sect. C), the Family Act provides the possibility for the Family Court to deny a parent who is abusing or grossly neglecting a child his/her parental rights. These can be returned to a parent through a court ruling when the reasons for which the original ruling was made cease to exist. Also, the Centre for Social Work is in a position to remove a child from the parents, or place the child in an appropriate facility.

138. In accordance with the Law on Social Protection, social protection is secured for all minors who are without parental care, those who are faced with educational or social problems, the educationally neglected, and all other minors who due to special circumstances have found themselves in need of social protection. In the process of providing all forms of social protection (analysed in detail below), minors are provided care, upbringing, education, and all other measures for their full rehabilitation and reintegration in society.

J. Periodic review of placement (art. 25)

139. In accordance with article 25 of the Convention, the court, at the request of one of the divorced spouses or the Centre for Social Work, shall change the decision regarding the provision of care and education of children, and on the relationship of the divorced spouses with their common children, if is this is necessary as a result of changed circumstances. The Centre for Social Work has an obligation at least once a year to review the situation and the conditions of a child's placement in an institution or with a family. If there is a change in the circumstances, the Centre for Social Work, at the request of the parents, can make a new decision regarding the provision of care, upbringing, and placement of the child.

140. In relation to the realization of this right, the NGO The First Children Embassy in the World - Medjashi is of the opinion that the media

in general almost never present the results of the periodic reviews of the quality of the medical treatment provided for children by the health institutions.

VI. BASIC HEALTH AND WELFARE

A. Survival and development (art. 6, para. 2)

141. As mentioned earlier (see sect. III.C), the human right to life is irrevocable, thus the irrevocable right to life of all children is constitutionally guaranteed. Furthermore, the Constitution guarantees the right to health care, social security, social protection, as well as special care and protection for the family, mothers, parentless children and children without parental care.

142. The Republic of Macedonia is one of the rare countries in the world where the right to abortion is constitutionally guaranteed. It is the right of every human being to decide freely on the procreation of children. In relation to the realization of this right, the State, for the purpose of securing balanced economic and social development, conducts a humane population policy. In accordance with this constitutional provision the Law on Abortion allows women to decide freely on the termination of undesired pregnancy. Thus, abortion is permitted and can be carried out even during the twelfth week of pregnancy, exclusively at the request of the woman; if there are clear medical indications the termination of pregnancy can be performed even later in the pregnancy.

B. Disabled children (art. 23)

143. In accordance with article 23 of the Convention, the Constitution of the Republic of Macedonia guarantees the right to social security and social protection. The State provides social security and social protection for citizens in accordance with the principle of social justice. In this respect, the State guarantees the right to assistance to citizens who are infirm or unfit for work, as well as to disabled persons, and at the same time the State provides the conditions for disabled persons' involvement in the life of society.

144. In accordance with these constitutional provisions, the Law on Social Protection designates as beneficiaries of welfare, inter alia, persons with impeded psychological and physical development. These persons are entitled to be placed in an appropriate facility or placed with another family if they do not have the appropriate living conditions with their own family, if they are sent for training far from their place of residence, or when it is impossible for them to be rehabilitated.

145. According to the Law on Pension and Disability Insurance, the following persons are obligatorily entitled to pension and disability insurance: disabled persons; persons who have lost their physical capacity due to work injury or professionally related illness; secondary school students during training; juveniles serving juvenile prison sentences, or those who are subjected to educational measures in specialized correctional institutions during their work at such institutions; members of youth cooperatives when

they are professionally engaged. The child acquires family pension benefits upon attaining 15 years of age. If the child beneficiary of a family pension attends school regularly, he/she benefits the pension until attaining 26 years of age, provided that the parents are deceased and at the moment of death they had been employed or were pension beneficiaries. If the child was unable to work at the time when the insured person died, or if the incapacity for work occurred within one year from the time when the insured person died, then the child becomes a permanent beneficiary of family pension, provided that the parent was employed or was a pension beneficiary. If during the time of using the family pension the child becomes permanently incapacitated for work, then he/she becomes a permanent pension beneficiary.

146. According to the Law on Social Protection of Children, this protection is realized through several types of organized activities. Social protection of children is an activity of special interest to the State. Within this framework, protection is also provided for children with psychological or physical handicaps, including care, nursing, food and forms of organized accommodation, adjusted to the age and to the psychological and physical development of the children. The said Law also foresees the right of a child with a severe, moderate or extreme psychological or physical impairment to special child support assistance.

147. The Law on Health Protection guarantees the right to health protection to all children until they reach 18 years of age, or 26 years of age if they are full-time students. Children can benefit from the right to health protection beyond 26 years of age if they have discontinued their education as a result of illness, or were left incapacitated and cannot have an independent life or perform any work. The said Law, on the basis of mutuality and solidarity, ensures the right to health protection for persons who suffer from severe, moderate or extreme mental or physical illness. The insured person and his immediate family, on the basis of already established health insurance, are entitled to obtain orthopaedic or any other type of device on the list of the Office of the Health Insurance Fund. Children under 18 years of age are exempt from participating in the cost of the device.

148. According to the Law on Employment Relations, a single parent with a child under seven years of age or a parent with a severely disabled child may work overtime or nights only with the written consent of the parent. One of the parents of a severely handicapped child may be permitted to work on a part-time basis when both parents are employed, or if the person is a single parent, in which cases a certificate issued by a competent doctors' committee, if the child is not placed in an institution, needs to be submitted. This type of part-time job is considered as full-time employment while the person is entitled to full salary compensation in accordance with the social protection regulations.

149. The Law on Primary Education provides for the education of children with problems in their psychological or physical development. According to the type or the level of disability, there are specialized primary schools or special classes at regular primary schools providing for their educational needs. Such education is usually conducted through special education plans and programmes. The rules and the criteria according to which this type of education is conducted are determined by the Minister of Education.

Developmentally impeded students are entitled to free transport, regardless of the distance of their place of residence from the nearest school. In situations where it is not possible to ensure transportation, the student is entitled to free accommodation and food in school dormitories, or when staying with another family. Instruction for children with developmental impediments is conducted by qualified persons, who have graduated from the Special Teachers' College and who have completed specialized studies according to the type of disability. An educator in a school dormitory for students with developmental impediments must have graduated from the Special Teachers' College, who has also completed specialized studies according to the type of disability. Compulsory primary education for children with developmental impediments is provided within the frameworks of regular schools, in ordinary classrooms or in special classrooms suitable for persons with some, or a moderate, impediment in their psychological development. There are four special primary schools, with accompanying dormitories, for these students in Novo Selo, Strumica and in Veles. In Skopje there is a special school, with accompanying dormitory, for moderately mentally retarded persons. Here children are provided with education and training until they reach 19 years of age. Primary education for students with sight, hearing, speech or motor system impediments, or with antisocial behavioural problems, is provided in specialized schools within the framework of providing social protection (three of these schools are located in Skopje and there is one in Bitola and one in Strumica).

150. Such students are also provided with secondary education. Secondary education for handicapped students covers students who have been categorized or registered according to the type or level of their impediment. Instruction must be carried out by persons with a university education in secondary education instruction who have also completed specialized courses for work with disabled students and who have passed specialized examinations.

151. In relation to the realization of the rights of disabled children as contained in article 23 of the Convention, the NGOs The First Children Embassy in the World - Medjashi and the Association for Protection of Children in Macedonia have called for the urgent supply of technical equipment suitable for handicapped children, which would be used for a smoother adjustment of such students to the education programme and the environment. These NGOs support the idea of an individualized approach to disabled children (especially during their education) in order to enable them to find their place in society. They believe that it is unjustified that children with certain developmental impediments are separated (ghettoized) in groups and institutions specialized only for them. The First Children Embassy for Children in the World - Medjashi, has had a positive experience with one little girl with a sight impediment, who has been attending regular school for two years and achieves excellent results and a high level of socialization. They believe that this is the only way for these children not to be rejected, and for other children from the earliest age to develop respect for disabled persons. In this respect, they stress the need for a greater number of qualified persons to assist children with specific developmental needs so as to enable them to find their rightful place in their environment. The NGOs point to the fact that the protection of mentally retarded and physically handicapped children must be done in accordance with the 1993 Standard Rules on the Equalization of Opportunities for Persons with Disabilities, and with

the 1994 Riga Declaration on alternative means of care for children, because these documents contain a strong moral obligation of States parties to participate actively in fields which are of decisive importance for the quality of life and the equality of disabled persons. They also suggested that Macedonia should, as soon as possible, implement these documents, which would lead to the establishment of a more acceptable social development and more adequate education of disabled persons.

C. Health and health services (art. 24)

152. In accordance with article 24 of the Convention, the Constitution of the Republic of Macedonia guarantees the right to health care to all citizens. As an elaboration of this constitutional provision through the Law on Health Protection, a system of health care based on the principles of mutuality and solidarity has been established in the Republic of Macedonia.

153. Within the framework of the health protection system, children are guaranteed the right to health protection as family members of the insured person, regardless of whether they were born in or out of wedlock, or whether they are adopted children or children in care; health insurance is also guaranteed for children who do not qualify for health insurance as family members, based on the principles of mutuality and solidarity.

154. Compulsory health insurance secures for the insured person and his/her family members (as well as the persons who are insured on the basis of the principles of mutuality and solidarity) the right to basic health protection, specialist-consultative services and hospital care. The insured person and his/her immediate family, when using health-care services, participate in the cost of the health-care service provided. The following persons are exempt from participating in the cost of the provided health-care service: children up to 14 years of age (the insured person's children from 14 to 18 years of age contribute 5 per cent of the total cost of the provided health-care service, or of the prescribed medication); women when using the health-care services relating to pregnancy, birth, maternity and family planning; beneficiaries of primary social protection (those insured on the basis of mutuality and solidarity); beneficiaries of health-care services for treatment of more serious illnesses. In addition to health protection in the above-mentioned forms, employed insured persons, as part of the health insurance right, are also entitled to salary compensation in cases of sick leave, in cases of injury, or in cases of maternity leave. The State, out of its budget, provides all the funds for programmes and plans for preventive health protection, compulsory immunization, research, prevention and elimination of infectious diseases, active protection of mothers and children, regular medical check-ups for children and students, and promotion of blood donation.

155. The health situation of children in the Republic of Macedonia, based on health indicators such as mortality and morbidity, displays the following parameters. The infant mortality rate in the Republic of Macedonia, although declining progressively in recent years, remains one of the priority health problems. According to the classification provided by the World Health Organization, the infant mortality rate in the Republic of Macedonia may be categorized as a medium-level mortality rate (20-39 deaths per 1,000 live

births). In 1995, 729 infants died, which is a mortality rate of 22.5 as opposed to 1981 when the infant mortality rate was 51.1, or 1987 when it was 41.9. The infant mortality rate is higher during the first week of life: in 1994, 46.9 per cent of the total number of infant deaths were during the first week while 41.2 per cent of the infant deaths occurred between 28 and 364 days. It is also evident that the infant mortality rate increases with the mother's age: for mothers in the age group 20-39, the infant mortality rate is 16.2-20.5, while among mothers in their forties, the infant mortality rate doubles. The infant mortality rate is also higher among mothers without education or among those who have completed the third grade of primary education, and progressively increased in recent years; however, the infant mortality rate is the lowest among mothers who have completed secondary or university education. According to the national association of mothers, the infant mortality rate is the highest among mothers belonging to the Albanian and Romany national minorities. Concerning the causes of infant deaths, in 1993 prenatal causes were dominant, accounting for 44.8 per cent of deaths. The death rate from prenatal disorders is decreasing slowly: in 1993 it was 20.0 per cent, whereas in 1991 it was 19.2 per cent. Concerning illnesses of children 0-6, in 1987, 1989 and 1991 the most common were illnesses of the respiratory system (71 per cent), followed by impairment of the senses (8.3 per cent), illnesses of the digestive system, skin afflictions, infectious and parasitic diseases, aphthoaminosis, rickets and congenital anomalies.

156. The situation with regard to the morbidity and mortality of children from 1 to 4 years of age is similar to those among schoolchildren and juveniles. The mortality rate of children from 1 to 4 years of age is approximately 1 per 1,000 children in that age group. The most common causes of death are the diseases of the respiratory system (77 per cent), illnesses of the digestive system (64 per cent), nervous system disorders and disorders of the sensory organs (5-7 per cent), and infectious and parasitic diseases (2-3 per cent). Among children 7-19 years of age the most common causes of death are illnesses of the respiratory system (64 per cent), while parasitic and infectious diseases are among the rarest causes of death (2-3 per cent).

157. The system and organization of health protection in the Republic of Macedonia is defined by the Law on Health Protection. Health protection is based on preventative, diagnostic, therapeutic and rehabilitative measures. Health-care services are provided by public sector health organizations (public health) and the private sector medical facilities. Health protection is realized at three levels: primary, secondary and third-level health protection. Primary health protection is provided at clinics, polyclinics and medical centres, which provide basic health-care services. A special characteristic of the primary health protection is the dispensary method, which is particularly effective in covering large numbers of women and children. Secondary health protection provides specialized and consultative health-care services, hospital care and specialized preventative health-care services, which are provided in general hospitals, medical centres, special treatment and rehabilitation facilities, specialized hospitals, and in health protection institutes. Within the framework of secondary health protection particularly important are hospitals. Hospital obstetrics wards provide medical care for mothers and infants. The third-level health protection

represents highly specialized health care provided by clinics, institutes (at the Medical and the Dentistry Faculties), specialized institutes, and at the State Health Protection Bureau.

158. The Republic of Macedonia is relatively well provided with qualified health personnel. In 1994, there was 1 doctor for every 430 inhabitants, with 1 general practitioner for every 1,406 inhabitants. There were 11,000 medical professionals with completed secondary and university qualifications; there were 218 gynaecologists and 323 pediatricians. In the dispensaries there was 1 gynaecologist per 5,000 women of child-bearing age, and 1 pediatrician for 821 children up to six years of age, while in the health protection services for schoolchildren and youth there was 1 pediatrician for every 2,610 children.

159. Hospital facilities have 10,800 available hospital beds or 0.5 beds for every 1,000 inhabitants, 399 of them in the gynaecological wards, 619 in the obstetrics wards and 571 in the pediatrics wards. The total number of health services and activities performed in the public health sector in 1994 indicates a decrease as compared with 1993. Approximately 77.4 per cent of the services were in the field of primary health protection. On average, there are 3.6 visits per child at the children's dispensary, and 5 visits per infant in the counselling centres. The total number of visits and compulsory public health nurses' visits to infants decreased from 4.3 per cent in 1993 to 3.8 per cent in 1994. Usage of the existing capacities in the gynaecological, obstetrics and pediatrics wards is 50 per cent, and the average length of treatment is approximately five days.

160. Health protection of children is carried out in the children's and school dispensaries within the framework of clinics and medical centres. Prophylactic-therapeutic services are provided at counselling centres, where there are specially designated places for healthy and sick children. An expert team is usually comprised of 1 pediatrician and 2 nurses for every 500 to 1,000 children up to six years of age, and from 1,600 to 3,000 school-aged children and youths. In rural areas health protection for children is provided in the medical units by general practitioners, nurses and some pediatricians.

161. In order to improve health protection for children born with potential risks to their health, there are two counselling centres (in Skopje and in Bitola) while as part of the Medical Centre-Skopje, there is a department providing health protection for mothers and children, systematically observing and studying the health of mothers and children, providing qualified medical assistance and proposing measures for the improvement of their health in general.

162. The third level of health protection for children is provided at the Clinic for Child Diseases, the Medical Faculty, the gynaecological and obstetrics clinics, the Institute for Lung Diseases in Skopje, and at other highly specialized institutes.

163. There is also a system for monitoring the development and nutrition of children, in accordance with internationally accepted norms and standards. The official health-care system has its own standards and norms for the

nutrition of children, and according to those criteria and standards the number of underdeveloped children in the first year of their life is: 12.8 per cent of infants at three months of age; 11.8 per cent of infants at six months of age; 7 per cent of infants at nine months of age.

164. Breastfeeding decreased during the 1990s, but the health-care data current available indicate an increase, obviously as a result of the economic crisis and the intensive campaign to demonstrate that mother's milk is irreplaceable and the best source of nourishment for infants.

165. It is evident that there is hardly any, or very little protein-energy malnutrition. However, micro-nutrition deficiencies are identified especially among the groups of a less favourable economic situation.

166. The Government is in the process of introducing a programme for monitoring the growth and development of children, by using monitoring charts provided by UNICEF.

167. Immunization is conducted in accordance with the regulations prescribed by law, such as the Rules on the conditions and the manner of conducting compulsory immunization, blood disorder protection and blood protection against infectious diseases and the persons who fall under this obligation, and the Programme for implementing the compulsory immunization of the population against infectious diseases in the Republic of Macedonia. The demand for vaccination is met by the health organizations that are conducting the immunization, which file quarterly requests for vaccines with the Ministry of Health. The vaccines are provided centrally for the whole State, and are supplied according to the immunization plans. As a result of the difficulties in obtaining the vaccines, the level of coverage with vaccines against smallpox, mumps and rubella, needed during the first year of age, showed a significant decrease in 1992. The same applies for revaccination against smallpox needed during the seventh year of age, and against rubella given at 14 years of age to female children. There was an identical situation in 1993 with respect to DPT vaccine.

168. The Law on Health Protection guarantees the right to health protection for women with reference to pregnancy, birth, after the birth and for contraception. Health protection of women is conducted mainly in the dispensary for women that operates as part of the clinics or medical centres. Preventive and therapeutic medical services are provided at counselling centres and polyclinics. Besides the counselling centres for pregnant women, there are counselling centres for family planning and contraception. The specialized team is comprised of a gynaecologist-obstetrician and an obstetrics nurse or one nurse and a social worker for every 4,500 to 6,000 women over 15 years of age. In rural areas health protection for women is provided within the medical units through the general practice service, and in some of them there is a gynaecologist or visiting obstetrics nurse. The birth takes place in the obstetrics ward in the 10 health centres in the so-called affiliated hospital units, with 10-30 hospital beds, as well as in the obstetrics wards in the general hospitals, at the medical centres, in the specialized gynaecological and obstetrics hospital "Chair" in Skopje and in the gynaecological-obstetrics clinic that is part of the Medical Faculty in Skopje.

169. The health of pregnant women traditionally receives special attention. As mentioned earlier, all health services connected with pregnancy, the birth and after the birth are provided free of charge; in this way they are made easily accessible to women. Of the total number of compulsory visits by public health nurses to women in 1992, 37.3 per cent were made for pregnant women, 45.4 per cent were for women who had given birth, 0.6 per cent for women that had terminated their pregnancy. The statistics of 0.7 visit per pregnant woman and 0.8 visit per woman in confinement show that there is room for improvement in this service. Upon release from the hospital after the birth, every new mother is visited by a public health obstetrics nurse or a nurse. In 1992, 90.9 per cent of the total number of births took place in the presence of qualified staff, compared with 86.2 per cent in 1985. In 1992, 89.9 per cent of all births took place in health-care facilities. These indicators partly explain the reasons for the drastic reduction in maternal deaths in the Republic of Macedonia in the last 20 years.

170. As mentioned earlier, all health-care services during the reproductive period are free of charge; patients participate only in the cost of the services for family planning and contraception. Participation in the costs of contraceptive devices and medically non-indicated abortions is still in force due to the difficult economic situation in the health-care system. This situation is the reason that certain services that were covered by health insurance and were free of charge and equally accessible to everyone, especially contraception services, are now reduced. All contraceptives are readily available but they are not free of charge.

171. Under the operative programme for measures and activities for the realization of the Resolution on Population Policy, family planning services are organized, supervised by the Centre for Human Reproduction in Skopje, as well as many other gynaecological services. In 1992 an increased number of visits to the family planning counselling centres - 64,486, or 0.1 visit per woman, was noticed. The total number of visits to all preventive and curative services for health protection of women in 1992 was 373,681, of which 183,216 were made to the gynaecological wards. This is still only 0.7 visit per woman during the fertile period. The total number of legally conducted abortions in 1994 was 16,480 and it showed a significant decrease compared with 1981 when there were 29,400 abortions. The number of abortions per 1,000 births in 1981 was 737 and in 1994 487, which indicates that for every two births there was one abortion. On the other hand, the number of prescribed contraceptive devices is decreasing; this indicates that abortion remains the main option for regulating pregnancy. In 1984 there was a decrease in prescribed contraceptives of approximately 44 per cent from 1993 (6,040 in 1994 and 10,772 in 1993). The most common type of contraceptive is the oral contraceptive (approximately 75 per cent of the total number of contraceptive devices used).

172. In relation to the realization of the right of the child stated in article 24 of the Convention, the NGOs The First Children Embassy in the World - Medjashi and the Association for Protection of Children in Macedonia, consider that primary health-care services for children should be excluded from the process of privatization of public health-care services and should remain within the public health services, because, in their opinion, any privatization in the area of primary health protection will have an adverse

effect on the health care of children. They also appeal for increased control by the State authorities of the work of private health institutions in order to prevent them from working illegally or inadequately, which may have detrimental consequences for children's health.

173. These NGOs have pointed out the consequences of the difficult financial situation on the health-care services, particularly the lack of specific materials and medicines, as well as the required financial participation by children from 15 to 18 years of age towards the cost of the health services provided. This situation places children from poor families in a less privileged position when their parents are not able to pay for the expensive medicines sold in private pharmacies or the expenses of a more serious medical intervention.

D. Social security and child-care services and facilities (arts. 26 and 18, para. 3)

174. According to the Law on Social Protection, beneficiaries of primary social protection are: parentless children and children without parental care; children with educational-social problems; educationally neglected children; persons with disorders in their psychological and physical development; persons unable to work and financially insecure persons. Pursuant to this law children under 15 years of age, and full-time students until 25 years of age, are considered unfit for work. In the framework of implementing social protection, the right to placement in a relevant institution or other family is granted to beneficiaries of social protection who do not have appropriate living conditions in their own family, or when it is necessary that they be placed in a relevant institution or with another family for any reason, and at the same time no other form of social protection can be applied. In this respect the right to appropriate accommodation is always available to: the above-mentioned persons; primary social protection beneficiaries; single mothers one month before the birth and three months after the birth. The Centre for Social Work in the district of the potential beneficiary's place of residence decides about the right to primary social protection. The proceedings for the realization of the right to social security are initiated at the request of the person who is in need, ex officio, or at the request of the local community council, a social or humanitarian organization, parents, relatives, guardians, or any citizen.

175. The families with whom the beneficiaries of primary social protection are placed are entitled to compensation for the accommodated person and the amount of compensation is determined through an agreement with the Ministry of Labour and Social Policy. Persons who are placed in a relevant organization or with another family pay their own expenses, or part of the expenses, for their accommodation, in accordance with their financial possibilities. In case the person is not able to cover the expenses of his/her accommodation, the expenses are covered by their relatives, who are obligated by law to provide care for them.

176. The relevant social protection facilities provide care and education for juveniles without parental care; they accept them, provide care, observe, educate and train educationally neglected children. These institutions provide care and education for children without parental care and for children

whose development is endangered as a result of unfavourable family conditions. In the framework of implementing social protection, social protection institutions are obligated to provide children and juveniles with pre-school, primary and secondary education, then with organized professional assistance so as to enable them to cope more successfully with educational programmes. These institutions are also obligated to organize different forms of work and life for children and juveniles, and also to provide care for their health. These institutions also provide short-term accommodation, observation and diagnosis of children, who are then referred to the competent health and educational institutions in order that other relevant social protection measures may be implemented. These health and educational institutions have the same obligations in respect of providing upbringing and education for juveniles as the social protection institutions.

177. As mentioned earlier (see sect. VI.B), children, according to the Law on Pensions and Disability Insurance, are guaranteed the right to family pension.

178. According to the Law on Social Protection of Children, the State is obligated to provide favourable social, economic and other conditions in order to satisfy the common needs and interests for social protection of children, with the aim of providing care, pre-school education and instruction for children, organized State-funded food programmes for students, day-care centres for primary school students, transportation, free textbooks, accommodation in student dormitories, and to satisfy other needs in the area of education and instruction. The State is furthermore obligated to provide comprehensive health-care coverage of children, to monitor the health situation of children, and to take other measures to protect the health of children; provide various activities in the field of culture (theatre, music, painting, museums, libraries, publishing, etc.); develop a network of sport and recreational facilities for children, implementing appropriate activity programmes for the physical education of children in their spare time, and other activities for the development of physical culture among children; protect parentless children, children without parental care, children with psychological and physical impediments and children with behavioral problems, and taking other measures in the area of the social protection.

179. Social protection of children is provided via organized forms of care, education and instruction for children from pre-school age; vacations and recreation for children up to 15 years of age; financial assistance for children and other forms of social protection.

180. Pre-school education and instruction for children is an integral part of the unified education system. Pre-school organizations, in accordance with the legal regulation, are registered as organizations providing care, instruction and education of children of pre-school age (from nine months to seven years). The entire financing of these organizations is subsidized by the State. Pre-school education in the Republic of Macedonia is characterized by an elaborate and comprehensive network of pre-school institutions (full-day-care and half-day-care centres) and kindergartens (half-day-care) as part of the primary schools.

181. In 1991 there were 49 organizations for pre-school instruction and education with 182 facilities having a capacity of 26,590 children; however,

only 11.5 per cent of children in the age group from nine months to eight years, or a total of 220,100 children, were covered by this type of education. In the kindergarten groups as part of primary schools, in 585 groups there were 15,130 children. The number of children covered by education in full-day-care or half-day-care centres is 40,451, or 18.4 per cent of the generation of children in the age group from nine months to seven years. The existing facilities satisfy the current needs for coverage of children, while measures are being undertaken for the renovation and adaptation of these facilities, in order to improve the quality of child-care services. However, in recent years (1991, 1992 and 1993) there has been a tendency towards rapid decrease in the coverage of children with education in full-day-care centres, owing to the fact that subsidies covering the costs of attendance at pre-school education for welfare families have been stopped. If one considers the difficult economic situation in the country, when many families are left without a basic income as a result of the difficult situation in the economy, it can be expected that this decrease in the coverage of children will continue in the future.

182. In 1994/95, in the total of 49 pre-school education organizations there were about 36,896 children in 1,237 educational groups (crèche, pre-school and kindergarten). Depending on parents' needs (the length of the stay of children during the day), there are three programmes: programme of pre-school instruction and education; programme of socially organized pre-school instruction and education of children usually one year before they commence school; programme of extramural forms of socially organized activities for children from the pre-school age.

E. Standard of living (art. 27, paras. 1-3)

183. In accordance with article 27, paragraph 2, of the Convention, stating that the duty for securing the living conditions required for the development of the child belongs primarily to the parent, the Constitution of the Republic of Macedonia has made provisions (see sect. V.E.).

184. In accordance with paragraph 3 of this article, the Law on Social Protection of Children, within the framework of organized forms of social protection for children, foresees the possibility of material assistance for children. The material assistance as a form of social protection for children is provided either in the form of financial assistance or assistance in kind, i.e., diapers, clothes, baby bottles, while the manner of providing such assistance, the amounts and the conditions are regulated by a general act of the Minister of Labour and Social Policy. Financial assistance is determined according to the number of children in a family. Beneficiaries of financial assistance are the first three children until they attain 26 years of age, provided they are full-time students. A child who is permanently or for a period longer than a year incapacitated for work is entitled to financial assistance for the duration of the entire period of incapacity, regardless of the age group. A child whose right to vocational training has been recognized is also considered incapacitated for work until the completion of the professional training. Financial assistance is also provided for children of citizens of the Republic of Macedonia who are employed abroad, or at representative offices and at diplomatic and consular missions. Children of foreign citizens who reside in the territory of the Republic of Macedonia are

entitled to financial assistance under the same conditions as children whose parents are citizens of the Republic of Macedonia, if the foreign citizens are employed or are performing duties in an international organization or when this right has been determined by international agreement. The decision regarding the right to financial assistance is primarily made by the Ministry of Labour and Social Policy; the right to lodge an appeal against such a decision is also provided for; the appeal is reviewed by a government committee. In 1994 the right to financial assistance was claimed by 174,781 children-beneficiaries.

185. Financial assistance is provided for all children in the care of their parents or a guardian, regardless of whether they were born in or out of wedlock. This right is also provided for children who were taken in care, despite the fact that they have parents, children whose parents are partially or permanently incapacitated for work, children whose parents are serving prison sentences, children whose parents have been denied parental rights, children whose parents have left the Republic of Macedonia and whose place of residence remains unknown, children whose parents are full-time students, and in the case when parents and the children have no property which can provide them with the necessary funds for living.

186. Special financial assistance is provided for children with heavy, serious and severe psychological and physical impediments. This financial assistance can be used until 26 years of age, and is provided through the Child Protection Department, which is part of the Ministry of Labour and Social Policy; persons over 26 years of age are provided with this kind of assistance through the Centre for Social Work. The State provides assistance in kind for equipping every first-born child in a family, in the form of a package containing all things necessary for the baby, as well as an educational booklet for the mother to enable her to raise properly her infant and to help reduce infant and child mortality.

187. Starting from the fact that the Republic of Macedonia, as a country that is undergoing a process of transition and is therefore faced with problems in its economic and social development, social protection for children is implemented within the constraints of the reduced budget. In such conditions the improvement and development of social protection for children will be determined by the economic and social development of the Republic of Macedonia in the future.

VII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES

A. Education, including vocational training and guidance (art. 28)

188. In accordance with article 28 of the Convention, as mentioned earlier, the right to education of children results from the constitutionally guaranteed right to education. Education is equally accessible to all citizens. Primary education is compulsory and free of charge for all children from 7 to 15 years of age, and lasts eight years. Generally, all types of education have been, and still are free of charge, but the new legal regulations on secondary and university education foresee the possibility that school fees may be introduced under certain conditions.

189. Although primary education is free of charge and is funded through the budget of the Republic of Macedonia, the expenses for textbooks, reference literature, school materials and equipment are paid by the students, i.e. by their parents. Students from underprivileged families are provided with free textbooks. In order to achieve the lowest possible retail price for the textbooks, the reference literature and other school materials, their publication is subsidized through the State budget. Although the State fully funds the construction of new and the maintenance of existing facilities, schools are badly furnished, with minimum equipment and only the basic teaching materials and devices, for all kinds and levels of education, especially if the demands of the modern education methods are considered. The worsening economic situation in the Republic of Macedonia has a negative impact on the quality of the education process, as well as on the coverage of students in primary education, and it has a limiting effect on the attendance at other levels of education.

190. This difficult situation in the financing of education has also been noticed by the NGOs The First Children Embassy in the World - Medjashi and the Association for Protection of Children in Macedonia, who stress that free education in primary schools is in fact only of a declarative character, since the required primary school materials are relatively expensive and not accessible to everyone. In this respect, they believe that relevant institutions do not make sufficient efforts to assist those who lack funds to purchase basic school materials. In their opinion, free primary education should become a reality, since according to their information 50,000 children from poor families are deprived of education, which is a terrible prospect for the future of Macedonia.

191. In order to secure funds for the purchase of basic school materials for children whose parents are not in a position to purchase them for their children, many NGOs organize humanitarian assistance for children from poor families. However, in their opinion, this is the minimum that ought to be done to improve the situation in this area.

192. Primary education is organized and provided in primary schools. Primary education can also be provided at health institutions, educational-correctional institutions, and in penal-correctional institutions. Primary education in the Republic of Macedonia is characterized by an elaborate and comprehensive network of primary schools, which facilitates coverage of entire generations of students from the first to the fourth grade, while as a result of objective and subjective reasons, the coverage of children in the fifth to eighth grades has shown a slight decrease (approximately 4 to 5 per cent) in recent years.

193. From the point of view of content, structure and aims of education, there are several types of primary education. Compulsory regular primary school for children from 7 to 15 years of age, in the 1994/95 school year catered for 260,197 students from the first to eighth grades in 1,045 regular primary schools with 13,191 teachers. As mentioned earlier (sect. VI.B) the Law on Primary Education, provides for compulsory primary education for children with developmental impediments. In addition to compulsory primary education there is also basic music and ballet education, which represents a parallel form of compulsory primary education for the children who take part

in it. This type of education is organized in 12 music schools, in classes for basic music education which function in two regular primary schools (Radovis and Novo Selo - Strumica) in the framework of the Scouts' Home (Resen), as well as in two other schools for music and ballet education (Skopje and Kavadarci). This type of education is of an elective character and it covers musically gifted and talented children. This type of education traditionally attracts great interest.

194. According to the Law on Secondary Education, secondary education is equally accessible to everyone under equal conditions and any form of discrimination is prohibited. Secondary education is conducted in accordance with plans and programmes for general secondary education, vocational training, secondary art schools and secondary schools for disabled children. Full-time students who have completed their primary education enrol in general secondary schools. Students who have completed primary education can enrol as full-or part-time students in vocational secondary schools. Public vocational schools offer three- and four-year courses, as well as specialized courses. There are also two-year vocational courses: persons who have not completed their primary education may attend and complete their primary education at the same time. In the 1994/95 school year, there were 89 secondary schools with 74,803 students and 4,545 teachers.

195. The problems with the funding of primary education are also present in secondary education.

196. In addition to public secondary education, the Constitution of the Republic of Macedonia sets out the right of citizens to establish private schools at all levels of education, with the exception of primary education, under conditions determined by law.

197. According to the Law on University Education, citizens are entitled to enrol for studies and to obtain academic and scientific degrees, under equal conditions determined by law. In the 1993/94 school year, at the faculties and colleges in the Republic of Macedonia there were in total 27,340 students enrolled.

198. For the purpose of protecting socially disadvantaged categories of students and also to motivate more successful and talented pupils and students, the State ensures special conditions for food, accommodation and scholarships.

199. As part of the primary schools, there are 11 school dormitories and 1 school home. They provide free accommodation, food, care, upbringing and education for students coming from distant rural areas. The following is also provided: free transport for students whose place of residence is located over 2 kms from the nearest school, then accommodation and food in school dormitories or in school homes; participation in the cost of food in the school canteens depending on the particular social categories.

200. All students in the Republic of Macedonia who have achieved particular results in their studies are entitled to obtain scholarships under equal conditions. These types of scholarships are provided from separate funds under the education budget, as well as from many organizations and companies

which, within the framework of their development programmes, award scholarships for students and pupils specializing in the field of their business who may later become their employees. In addition to scholarships, the State subsidizes and provides accommodation for pupils and students. In 1995 there were 42 dormitories covering 9,087 students.

201. The difficult economic and social situation in recent years, as mentioned above, has a negative effect on the coverage of students with all levels of education, especially in the higher grades of primary education. The decrease in students belonging to the Albanian and Romany national minorities is evident in the higher grades of compulsory primary education. For many Romany families education comes last when allocating funds from the family budget. Large numbers of Romany children leave school at early stages, as a result of lack of funds. This attitude has a negative effect on the education of the Romany minority, which later influences their social status and integration in all areas of society. In order to reduce the number of students who discontinue their education, the Government of the Republic of Macedonia has taken several measures to secure at least minimum conditions and motivation for children to attend the regular education in the primary schools. In this respect, the Centre for Social Work provides financial assistance and free textbooks for families of children who have left school. In cases where children are prevented by their parents from regularly attending classes, discussions with the parents and relevant legal sanctions are taken. Furthermore, there are courses for adults who have not completed primary education. The Government of the Republic of Macedonia, in cooperation with UNICEF, realizes a special project in order to improve the general situation of the Romany children in the Republic of Macedonia.

202. In rural areas, it is characteristic that in addition to economic factors, the decrease in the number of students in primary schools is due to traditional behavioural patterns, according to which children at an early age take part in the agricultural duties, and girls marry at a very early age. This problem is characteristic of the Albanian children whose families traditionally do not show great interest in the continuation of education. Therefore, the Government is continually creating measures to improve the situation.

203. These occurrences directly influence the illiteracy rate among the young population. Illiteracy, although low, is still present in the Republic of Macedonia. Overcoming the illiteracy problem is one of the key strategic goals in the education policy of the Republic of Macedonia. According to the 1991 Census data, there were a total of 79,425 illiterate citizens, or 5.8 per cent, which is a relatively very low percentage, especially in view of the fact that in 1945, 67.5 per cent of the total population was illiterate. Illiteracy is especially present among the female population: 8.8 per cent of the total number of illiterate women are in the rural areas due to the above mentioned traditional behavioural patterns; they represent 15.2 per cent of the total number of illiterates. The young population between the ages of 10 and 29 is the least present in the total percentage of illiterates.

B. Aims of education (art. 29)

204. According to the Law on Primary Education, the aims of primary education are achieved through education plans and programmes. These educational plans and programmes encompass the curricula in primary schools, as well as extracurricular activities. The curricula define the subjects to be studied at certain grades (compulsory and elective subjects), as well as the number of classes to be carried out weekly and annually. The aims, tasks and contents of the subjects, as well as the standards regarding the teaching staff, are also defined in the curriculum. The educational plans and programmes also envisage extra-curricular activities. They also envisage special types of primary education (for students with psychological and physical impediments, primary music and ballet education) which are realized and organized through special curricula adjusted to the aims of this type of education.

205. The education plans and programmes are prepared by the Pedagogical Bureau of Macedonia, proposed by the State Pedagogical Institute and adopted by the Ministry of Education. On the basis of the education plans and programmes, each primary school prepares and adopts its annual curriculum. In order to ensure professional achievement of the set aims of education, instruction is carried out by teachers, specialized workers (pedagogues, psychologists, special teachers, social workers, librarians) and educators. The textbooks and other reference literature used in primary education are proposed by the Pedagogical Bureau of Macedonia and approved by the State Pedagogical Institute. In addition to the usual managing bodies in primary schools, the Law on Primary Education foresees the establishment of Parents' Councils, which will oversee, review and give an opinion regarding the realization of the instruction and regarding the educational development of their children.

206. The aims of education in secondary schools (general secondary schools and vocational schools) are achieved in a similar way as the aims of education in primary education, of course being adjusted to serve the needs and tasks of this type of education.

207. In relation to the aims of education, the NGO Association for Protection of Children in Macedonia believes that the educational programme for children deprives children of their childhood, because it is too complex and inadequate for their age. Despite the fact that a significant number of children manage to fulfil their obligations, this is often at the expense of their free time. Furthermore, the surveys that this NGO has conducted among students have suggested that there is a need for a greater control of the quality of the teaching staff, as well as a need to take adequate measures to protect children from unqualified and inadequate teachers.

C. Leisure, recreation and cultural activities (art. 31)

208. As already mentioned (sect. IV.C), within the framework of the education process, as well as outside of it, special attention is paid to the promotion of the child's freedom of expression.

209. In order to achieve more comprehensive development and promotion of children's abilities and ideas, within the framework of the social protection

of children special attention is paid to different activities in the field of culture (theatre, music, painting, museums, libraries, publishing), as well as to the establishment and development of specialized children's organizations (see sect. IV. F) and to the development of various forms of cultural-artistic, scientific-technical and research activities. In order to promote the proper physical and psychological development of children, there is a network of sport-recreational facilities; furthermore, other relevant programmes are also carried out to promote active physical education of children in their leisure time, and there are other activities catering for the development of physical culture among children.

210. One of the forms of social protection of children is organizing vacations and recreation for children up to 15 years of age. Vacations and recreation of children are organized by specialized organizations, as well as through other organized forms which help achieve the goals and the tasks of organized vacation and recreation. In the Republic of Macedonia, there are 26 facilities specialized in vacations and recreation for children and juveniles with a total capacity of 6,235 beds, which provide for 45,000 children per year, or 19 per cent, of the generation in the age groups between 6 to 15 years.

VIII. SPECIAL PROTECTION MEASURES

A. Children in situations of emergency

1. Refugee children (art. 22)

211. According to the Law on the Movement and Residence of Foreign Citizens, persons without citizenship and foreign citizens who have left the State whose citizens or permanent residents they are in order to avoid prosecution on the basis of their progressive democratic, political convictions and activities, cultural or scientific activities, or because of national, racial or religious affiliations, can be granted refugee status in the Republic of Macedonia. Children of foreign citizens, or of stateless persons who have been granted refugee status enjoy the same rights as their parents. After reaching 18 years of age they are regarded as foreign citizens with temporary residence status in the Republic of Macedonia.

212. Refugees are provided with the necessary accommodation, funds and health protection until they decide to go to another country or until the necessary conditions for a independent life have been created, for a maximum period of two years from the day when the decision granting refugee status is issued. The maximum period does not apply to persons who are incapacitated for work and to persons unable to independently earn a livelihood. The necessary funds for accommodation of the refugees are provided through the State budget as well as by international organizations, and on the basis of international agreements, by other countries as well. Foreign citizens or stateless persons who are awaiting the completion of the proceedings for granting refugee status, as well as persons who have already been granted such status, are accommodated in refugee shelters. The accommodation and the funds necessary to maintain the refugees, as well as to enable refugees who are not placed in

refugee shelters, to establish an independent life are secured by the Ministry of Labour and Social Policy, which provides other appropriate accommodation and maintenance.

213. The total number of refugees in the Republic of Macedonia was 8,112 persons; this is a conservative estimate because it is believed that there are still persons who have not yet been registered. The greatest number (95 per cent), are Bosnian Muslims, of whom 18 per cent are children, while 80 per cent of the refugee children are without parental care; 39 per cent of refugees are women and 43 per cent men. There are 1,373 persons in the refugee shelters; the rest are placed with families. The situation has changed in the last two years in view of the fact that there has been a continual decrease in the number of refugees, since they have left for other countries (in many instances Macedonia was only a transit country), as well as in view of the fact that recently the process of voluntary repatriation has commenced. At the present time there are about 5,300 refugees in Macedonia, most of them placed with families.

214. In addition to the great solidarity on the part of the citizens, refugees in the Republic of Macedonia enjoy special treatment of persons afforded to persons receiving humanitarian assistance. This treatment goes a step beyond the rights contained in the Convention relating to the Status of Refugees of 1951 and those set out in the 1996 Protocol, both of which the Republic of Macedonia acceded to as a successor country to the former SFRY in 1994. This treatment is based on the principles of full observance of all fundamental human rights and freedoms. Therefore, these persons are assisted to the maximum extent possible: they are provided with accommodation, food, comprehensive health protection, education, they can observe all religious customs and, most importantly, they have the freedom of movement and are not expelled from the Republic of Macedonia. Furthermore there is no degrading or inhumane treatment in the assistance they are provided with. All these rights are in line with the existing legislation of the Republic of Macedonia, as well as with the international human rights norms. The Government of the Republic of Macedonia has good and constructive cooperation with the Office of the United Nation High Commissioner for Refugees, the Federation of Red Cross and Red Crescent Societies, as well as with many other international humanitarian organizations.

215. The NGO First Children Embassy in the World - Medjashi, which has realized several programmes for assisting refugee children, is to be recommended for its activities in the realization of humanitarian assistance for refugee children.

216. Humanitarian assistance most often consists of textbooks, school materials, baby food and various toys. In refugee shelters, this organization has also organized special interactive programmes for cultural-recreational activities such as English language classes, entertainment and creative games, sport activities and tournaments, artistic-creative activities and various competitions. The programmes organized by this NGO, were realized with the assistance of volunteers from international humanitarian organizations that this organization cooperates with.

2. Children in armed conflicts (art. 38), including physical and psychological recovery and social reintegration (art. 39)

217. In accordance with paragraph 2 of article 38 of the Convention, and in accordance with the Defence Law, persons under 18 years of age cannot be recruited into the armed forces or take part in armed conflicts.

218. In the territory of the Republic of Macedonia there are no armed conflicts, either of an international or of an internal character. The Republic of Macedonia is a State party to all Geneva Conventions, and the two Additional Protocols to the Geneva Convention, of 12 August 1949, containing the corps of humanitarian law. In this respect the State is obligated to respect the rights provisioned in the said Conventions.

B. Children in conflict with the law

1. Administration of juvenile justice (art. 40)

219. In accordance with article 40 of the Convention, the criminal legislation of the Republic of Macedonia foresees special criminal proceedings and educational measures for juveniles.

220. According to the Constitution of the Republic of Macedonia, no person may be punished for an offence which had not been declared an offence punishable by law, and for which no punishment had been prescribed (nullum crimen nulla poena sine lege). The presumption of innocence is guaranteed at the constitutional level, i.e. a person indicted for an offence shall be considered innocent until his/her guilt is established by a legally valid court verdict. These principles are consequently applied during criminal proceedings for juveniles.

221. Persons summoned, apprehended or detained shall immediately be informed of the reasons for the summons, apprehension or detention and other rights. They shall not be forced to make a statement. A person has the right to an attorney in police and court procedures. Persons detained shall be brought before a court as soon as possible, within a maximum period of 24 hours from the moment of detention, and the legality of their detention shall there be decided upon without delay. During criminal proceedings for juveniles, for the purpose of protecting the specific psychological and physical status of the juvenile, and during the process of taking legal actions which require the presence of the juvenile, and especially when the juvenile is examined, the authorities that are present during the examination are obligated to take the greatest precautions, to protect the psychological development, sensitivity and the characteristics of the juvenile, for the purpose of protecting the juvenile. During criminal proceedings against a juvenile the custody organ has the right to be informed of the course of the proceedings, as well as to make proposals and to point out facts and evidence that are of vital interest in the process of making a just and fair decision. Thus, the Public Prosecutor, during proceedings conducted against a juvenile, shall accordingly inform the custody organ. The juvenile must have a defence attorney, commencing with the preferment of the charges. If the juvenile, his/her legal representative or the relatives have not obtained a defence attorney, a defence attorney will officially be appointed by the juvenile judge. The

juvenile's defence attorney must be a lawyer by profession. The juvenile is subpoenaed through the parents or the legal representatives, except in cases when this is not possible due to the urgency of the proceedings or due to any other circumstances.

222. In courts of the Republic of Macedonia, criminal proceedings against juveniles are carried out by Juvenile Councils. In the first instance courts there are one or two juvenile judges. Juvenile Councils in first and second instance courts consist of a juvenile judge and two other judges sitting as jury. Those members of the jury have to have a specific profile to deal with pedagogical issues. The Juvenile Judge is also the Chairperson of the Council. As part of the regular tasks of the State Supreme Court, a Juvenile Council is also designated, consisting of three judges. The judges are elected from the ranks of professors, teachers, educators and other persons who have direct experience in the education of minors. Juvenile Councils at the second instance courts and at the Supreme Court deliberate rulings upon appeals, as well as in other cases determined by the law.

223. The authorities taking part in the proceedings against a juvenile, other organs and institutions which are requested to provide information, reports and opinions are obligated to provide them with the utmost urgency, in order to finalize the proceedings as soon as possible, i.e. they are obligated to observe the principle of urgency of criminal proceedings against juveniles.

224. Criminal proceedings against a juvenile regarding all criminal offences can be initiated only at the request of the Public Prosecutor. No juvenile will be tried in absentia. During the preferment of the charges against a juvenile, in addition to determining the facts relating to the criminal offence the following must also be established: the circumstances necessary to assess the juvenile's psychological development; facts about the environment and the conditions in which the juvenile lives in; and other facts relating to the juvenile's personality. The juvenile's parents, the guardian and other persons who can provide the necessary information shall also be examined. If necessary, the custody organ shall also be required to file a report on the said circumstances. If an educational measure has already been applied against a juvenile, a report on the outcome of such measure shall also be obtained.

225. The Constitution of the Republic of Macedonia guarantees the right to appeal against individual legal acts issued in a first instance proceedings by a court, administrative body, organization or other institution carrying out a public mandate. The right to appeal has also been provided for in criminal proceedings against juveniles. Thus, all persons who have the right to appeal against a verdict (the juvenile, his/her defence attorney, his/her legal representative, the plaintiff) can lodge an appeal against the verdict sentencing the juvenile, against the decision sentencing the juvenile to an educational measure, and against the decision halting the proceedings, within eight days from the day the verdict or the decision has been handed down. The defence attorney, the Public Prosecutor, the spouse, the blood relative, the adoptive parent, the guardian, the brother, the sister, and the person providing maintenance may lodge an appeal on behalf of the juvenile and/or against the juvenile's will. The appeal against the decision for an educational measure can halt the execution of such measure if the court, in

agreement with the juvenile's parents and after examining the juvenile, so decides. The second instance court can amend the first instance court decision by imposing a heavier sentence on the minor only if this has been requested in the appeal.

226. The juvenile has the right to use his/her mother tongue during criminal proceedings against him, during the examination and during the main court hearing. If the juvenile does not understand the language in which the proceedings are conducted, the juvenile will be provided with an interpreter who will be interpreting what is said and who shall translate the documents and any other written materials used as evidence. This type of interpreting is free of charge, and it is performed by a professional interpreter.

227. Proceedings against juveniles are confidential. Juveniles are always tried in camera. The Juvenile Council can, however, allow the presence of professionals working on the protection and education of minors or professionals working on the prevention of juvenile crime, as well as scholars, during the main hearing. During the main hearing the Council can order all or certain persons removed from the session, with the exception of the Prosecutor, the defence attorney and the representative of the custody organ. When certain evidence is presented, or when the concerned parties give their statements, the Council can order the juvenile removed from the session. It is not allowed to make public the details of the criminal proceedings against a juvenile, or of any decision that is made in such proceeding, without prior court permission. It is allowed to make public only certain parts of the proceedings or certain parts of the decision, for which their prior approval must be obtained, but it is not allowed to mention the name of the juvenile or any other details by which the juvenile's identity could be disclosed. According to the Criminal Code of the Republic of Macedonia, records of the decisions for educational measures are kept by the social work organ. The details of the educational measures deliberated during criminal proceedings against a juvenile can only be given to a social work organ and to an institution that works on the protection of minors, as well as to State organs under conditions determined by law.

228. As mentioned earlier, in accordance with the Criminal Code of the Republic of Macedonia it is not possible to initiate criminal proceedings against a juvenile who at the time of perpetrating the criminal offence was under 14 years of age. Such juveniles have the status of a child and as such cannot be considered responsible for criminal offences. In this context, if during the course of the proceedings it is determined that the juvenile at the time of committing the criminal offence was under 14 years of age, the criminal proceedings will be halted and the custody organ will be duly informed. Juveniles between 14 and 18 years of age can be held legally responsible for criminal offences. A juvenile who has committed a criminal offence when 14 years of age but who has not yet attained 16 years of age (younger juvenile) can be sentenced only to educational measures. A juvenile who at the time of committing the criminal offence is 16 years of age but who has not yet attained 18 years of age (older juvenile) can be sentenced to educational measures, and in exceptional cases can also be sentenced to juvenile prison. Juveniles can be sentenced to security measures under conditions determined by the Criminal Code of the Republic of Macedonia. A juvenile cannot be reprimanded by the court or be conditionally sentenced.

229. The aims of the educational measures and of the juvenile prison are to secure for juvenile criminal offenders education, re-education and proper development, through affording them assistance, supervision, professional training, and finally assisting them to develop a sense of personal responsibility. Furthermore, one of the aims of a juvenile prison sentence is to encourage juvenile criminal offenders not to commit criminal offences in future (i.e. prevention of recidivism); juvenile prison is also a preventive method in regard to other juveniles.

2. Children deprived of their liberty, including any form of detention, imprisonment or placement in custodial settings (art. 37 (b), (c) and (d))

230. According to the Constitution, the human right to freedom is irrevocable. No person's freedom can be restricted except by a court decision or in cases and procedures determined by law. A person unlawfully detained, apprehended or convicted has the right to legal redress and other rights determined by law.

231. The Criminal Code of the Republic of Macedonia provides for educational measures for minors which include disciplinary measures, measures of enhanced supervision and custodial measures. Custodial measures are undertaken against a juvenile who is to be subjected to necessary measures of education, re-education or to medical treatment, or when it is necessary to isolate the minor from his/her environment. These measures cannot be longer than five years in duration. Within the educational measures the following custodial measures can be applied: directing a juvenile to an educational institution; directing a juvenile to an educational-correctional institution; directing a minor to a specialized institution for medical treatment or for training. Exceptionally, a senior juvenile can be sentenced to juvenile prison. Within the framework of the special criminal proceedings against juveniles, during the preferment of the charges, the juvenile judge can order that the juvenile be placed in a shelter or in an educational or similar institution, if it is necessary to isolate the juvenile from his/her environment. As an exception, the juvenile judge can order the juveniles detained when the grounds for such a ruling exist, as determined in the Criminal Code of the Republic of Macedonia. In accordance with the juvenile judge's decision for detention, the detention can last for one month at most. The Juvenile Council, at the same court, can propose, on reasonable grounds, that detention is prolonged to two months at most. Juveniles are detained by rule isolated from adult criminal offenders. In accordance with the rules for court supervision of the enforcement of the educational measures against juveniles, the court can deliberate a ruling to suspend the serving of an educational measure or can amend a decision for educational measures. Whether the conditions for amending a decision for educational measure have been fulfilled or not is established by the court which has deliberated the original educational measure if the court finds this to be necessary, or upon the proposal of the Public Prosecutor or the manager of the institution or the guardian who was entrusted with the supervision of the juvenile. Before the court makes this decision, it will examine the Public Prosecutor, the juvenile, the parent or guardian or other persons, and it will also obtain the necessary reports from the institution where the juvenile is serving the custodial measure, the

custody organ, and from other organizations and institutions. The same rules are applicable when determining the suspension of the enforcement of an educational measure.

3. The sentencing of juveniles, in particular the prohibition of capital punishment and life imprisonment (art. 37 (a))

232. As mentioned above (sect. IV. H) the Constitution of the Republic of Macedonia prohibits any form of torture or inhuman or humiliating conduct or punishment, while the human right to physical and moral integrity is irrevocable. In this context the death penalty cannot be imposed on any grounds whatsoever in the Republic of Macedonia.

233. According to the Criminal Code, juvenile criminal offenders can be sentenced to the following educational measures: disciplinary measures (warning or referral to juvenile disciplinary centre); measures for enhanced supervision (carried out by parents, adoptive parents or the guardian, by another family or by a social work organ); and custodial measures (referral to an educational institution, educational-correctional institution or to special institution for medical treatment or for training). When deciding on the educational measure the court will consider the juvenile's age, the level of his/her psychological development, his/her psychological characteristics, the circumstances, the motives for committing the crime, the current education, the environment and the conditions the juvenile lived in, the seriousness of the crime, whether or not he/she has been sentenced to an educational measure or to a juvenile prison, and all other circumstances that determine the decision on the type of measures that are to be taken, in order to best achieve the aims of the educational measures.

234. When determining custodial measures the court will refer to an educational institution those juveniles who need to be under the permanent supervision of experts for the purposes of education, re-education and total isolation of the juvenile from his/her environment. A juvenile can be directed to an educational institution for a period of six months at least or three years at most. A juvenile who must be subjected to enhanced educational measures and to re-education, or when there is a need to remove him/her totally from his/her environment, is directed to an educational-correctional institution. When making a decision for this educational measure the court will, in particular, consider the seriousness and the nature of the crimes committed, and the past record, to find out whether or not the juvenile has been given educational measures or a sentence to juvenile prison before. This educational measure can last for one year at least and five years at most. The court does not determine the length of these custodial measures at the time they are made; the length of such a measure is determined at a separate session.

235. In proceedings against juvenile offenders with psychological and physical impediments, instead of the two above-stated custodial measures, the court can take a decision for placing such juvenile offenders in a special institution for medical treatment or training. The juvenile will remain in the special institution, as long as this is necessary for his/her treatment and for training and when the juvenile reaches legal maturity, the need for his/her further stay in the institution will be reviewed.

236. As mentioned earlier, a senior juvenile in exceptional cases may be sentenced to juvenile prison. Juvenile prison cannot last less than 1 year or longer than 10 years, the sentence being set in full or half-year terms. When deliberating upon the length of the sentence regarding a senior juvenile for a particular criminal offence, the court cannot determine the juvenile prison sentence to be longer than the prescribed punishment for the particular criminal offence, but the court is not obliged to follow the minimum measure prescribed for that punishment. When determining this punishment the court will consider all circumstances that can influence the duration of the punishment; the court will especially consider the psychological development of the juvenile and the time required for his/her education, re-education and training.

Description of the situation regarding juvenile crime

237. Juvenile crime in the Republic of Macedonia, in the past as well as in recent years, has had a significant input to the overall crime rate. During the period from 1992 until the first half of 1995, there were 77,999 registered criminal offences, of which 17,910 were committed by juveniles. The proportion of juvenile crimes in the total of solved criminal cases, from 1992 until the first half of 1995, is 37 per cent, as seen in the table below.

	1992	1993	1994	1-6/1995
Solved criminal cases	13 315	13 887	14 226	6 863
Criminal offences committed by juveniles	5 218	4 999	5 388	2 305

Source: Ministry of Internal Affairs.

238. Out of the total number of 17,910 crimes perpetrated by juveniles in the above-stated period, 17,910, or 95.5 per cent, were property thefts. With respect to the structure of property thefts, juveniles committed 58.2 per cent of the total number of the solved cases of robbery with assault and 34.4 per cent of simple thefts; of 1,326 car thefts, 829 were perpetrated by juveniles and children. In the thefts involving assault, where there is use of force against the victim for the purpose of gaining material benefit, the participation of juveniles and children is evident. They perpetrated 76 of the total of 285 cases already solved, or 26.7 per cent.

239. The participation of juveniles and children in other types of crime is minimal. As an illustration, their participation in crimes endangering life or causing bodily injuries is 1.3 per cent, or 241 cases, and 0.3 per cent in crimes against the integrity and the morality of the person.

240. One of the basic characteristics of juvenile crime is the repetition of the crimes. A proportion of the juveniles who have once committed a crime, perpetrate new crimes in the future. This particularly applies to juveniles who are in the correctional-educational institutions and who are serving educational-correctional sentences: when they are absent or when they escape from these institutions, they tend to commit several crimes in a short period

of time. Furthermore, juvenile crime is characterized by the fact that crimes are perpetrated by groups and the perpetrators are mobile. Juvenile offenders act in groups because it is much easier, when caught they can share the blame, and finally they feel by far more secure when committing crimes with other persons than alone. The mobility of juveniles and children committing crimes is evident in the frequent changes of the places where crimes are committed, for example during the tourist season when the juveniles temporarily leave their permanent residences and stay in tourist places.

241. The reasons for occurrence of juvenile crime should be sought in the juvenile's personality, on the one hand, and on the other hand in the unfavourable material, social and other conditions of life, the presence of negative educational factors and the negative influences on juveniles. Among these negative influences the following should be mentioned: the difficult economic, social, cultural and educational conditions for life and work; the lack of influence of the social work institutions; the occurrence of alcoholism, prostitution and lapsed cultural values. Furthermore, one of the main factors causing juvenile delinquency is the family itself.

242. Considering the situation of juvenile crime in the Republic of Macedonia, its volume, structure, specific features, the danger of juveniles becoming professional offenders and other characteristics, the fight against this social evil should mainly be concentrating on prevention. Only a coordinated action conducted by the Internal Affairs authorities, the Public Prosecutors, the courts, the Centre for Social Work, correctional-educational institutions, schools and the family can result in the resocialization and re-education of juvenile delinquents.

243. Within the Ministry of Internal Affairs, in addition to the measures and actions that are aimed at discovering crimes and their perpetrators, discussions with juvenile offenders and their parents are conducted, when juveniles are told of the damage caused by their crimes, as well as of the legal consequences resulting from the crimes. At the same time the need for greater concern with the upbringing and education of their children is pointed out to the parents. As part of the activities of the Centre for Social Work, in addition to this type of discussion, efforts are also made to provide particular assistance to families where there are already registered criminal offenders, as well as to assist senior juveniles in obtaining employment or to encourage them to continue their education.

4. Physical and psychological recovery and social reintegration (art. 39)

244. In relation to the measures taken by the Republic of Macedonia in respect of article 39 of the Convention, see sections V.I and VI.D of this report.

C. Children in situations of exploitation, including physical and psychological recovery and social reintegration (art. 39)

1. Economic exploitation, including child labour (art. 32)

245. As mentioned earlier (see sects. II and III.B) the Constitution determines the minimum age for a minor to be employed. Thus, a person under 15 years of age cannot be employed. Furthermore, minors have the right to special protection at work. Finally, minors cannot be employed in work which is detrimental to their health or morality. According to the Law on Employment Relations, persons under 18 years of age are secured annual leave, the length of which is determined in accordance with the criteria that determine the length of the annual leave for the rest of the workers, with the difference that minors are granted seven days additional leave. Workers under 18 years of age are not permitted to work overtime, while juveniles employed in industry, construction and transport are not permitted to work at night between 22.00 and 06.00 hours the following day. The Law on Employment Relations stipulates fines ranging from 50 to 100 average monthly salaries for any employer who violates the obligation to provide special protection for the worker under 18 years of age. The Criminal Code of the Republic of Macedonia penalizes any infringements of the rights pertaining to employment relations, working hours, the break, protection of minor workers, as well as infringement of the ban on overtime and night work.

246. In reference to the realization of the rights laid down in article 32 of the Convention, the NGOs The First Children Embassy in the World - Medjashi and the Association for Protection of Children in Macedonia believe that it is necessary to establish a special mechanism for control of illegal employment of persons under 15 years of age, especially in relation to unregistered employed juveniles in commercial and profitable establishments. These NGOs point to the economic exploitation of a certain number of children. An example is the 10-year-old children (specifically among the Albanian and the Romany minorities) who sell cigarettes and other small items, or sell farm and non-farm products at the open markets. And as mentioned earlier, in rural families children are often prevented by their parents from attending school and are made to perform farming duties instead.

2. Drug abuse (art. 33)

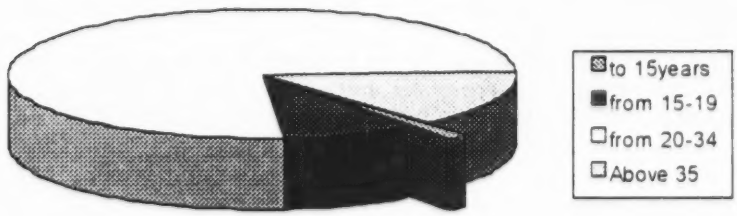
247. The Criminal Code penalizes the illicit production and trafficking of narcotic drugs. According to the Code, the person who illegally produces, processes or traffics drugs, or who, for the purpose of sale, buys, possesses, transports or mediates in the buying and selling of drugs or in any other way illegally releases for sale substances declared as illegal drugs shall be sentenced to 1 to 10 years' imprisonment. Furthermore, facilitating the taking of narcotic drugs, i.e. the person who incites another person to use narcotic drugs, or gives another person narcotic drugs or a person who shall make premises available for the purpose of taking drugs, or who shall in any other manner facilitate the taking of narcotic drugs by another person, shall be sentenced to three months to five years' imprisonment. When this crime is committed against a juvenile or against several persons, or has detrimental consequences, the perpetrator shall be sentenced to 1 to 10 years' imprisonment. It should be stressed that the Republic of Macedonia is

actively participating in international cooperation to control the illicit production and trafficking of drugs. In this respect the Republic of Macedonia in 1993 ratified the 1961 Single Convention on Narcotic Drugs along with the 1972 Protocol and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances. In the past three to four years, drug abuse has been intensively spreading, requiring relevant measures by State institutions. Today, we are faced with an alarming increase in the number of young drug abusers, especially among minors. In the last two years, experts in this field have talked about a moderate epidemic of this evil.*

248. The Republic of Macedonia, with respect to the types and manners of drug abuse, is similar to most countries in Central and Eastern Europe; contrary to western European countries, here there is an increase in the number of persons abusing heroin. Starting from the verified data on the number of persons who have been clinically diagnosed as heroin abusers (200-300 persons), and considering the epidemiological criteria which say that for every registered heroin abuser there are four to six additional unregistered drug abusers, in the Republic of Macedonia, with 1,936,877 inhabitants (1994), the total number of drug abusers ranges between 51 and 77 persons per 100,000 inhabitants. If other drugs are considered, the manner of their abuse and the regularity of the abuse, then in the Republic of Macedonia there are over 10,000 regular and occasional drug abusers.

249. In the period from 1991 to 1995, there was an enormous increase in drug abuse: at the end of 1995, there were 1,394 registered drug abusers. It is characteristic that young persons commence using or experimenting with drugs as early as 12-14 years of age. The greatest number are male, while according to nationality there are 901 Macedonians, 365 Albanians, 75 Serbs, 28 Turks, 10 Romanies and 15 of other nationalities.

Narcotic drug abusers according by age groups



Source: Ministry of Internal Affairs.

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* According to the statistical data provided by the Ministry of Internal Affairs, in 1975 there were 40 cases of drug abusers, in 1980 there were 122, in 1985 345 and in 1994 837. According to Prof. Dr. Ljupco Arnaudovski, this number could vary between 1,500 and 2,000 persons.

250. According to the data provided by the Ministry of Internal Affairs, as a result of drug overdose six people lost their lives in the period 1993-1994 in the Republic of Macedonia. The rate of drug overdose-related deaths in 1994 was 0.2 per 100,000 inhabitants.

251. In the 1995/96 school year, 10 primary schools in the Republic of Macedonia started the project "European network of schools promoting health". This project is promoted by the Council of Europe, the European Commission and the European Regional Bureau of the World Health Organization. The aim of the project is to strengthen all capacities for life, study and work in schools, and to develop healthy habits for life. The project is action-research orientated, and will be realized over three to five years. In fact, one of the basic tasks of the project is to promote students' health through a modern, inventive curriculum with emphasis on the dangers of narcotics and hallucinatory drugs, elaborated from the point of view of health and using contemporary methods and forms of work. This approach demands the following:

(a) Preparation of a modern national programme for students in primary and secondary education for prevention of use of narcotics and hallucinatory drugs, as an integral part of the National Programme for Health Education;

(b) Education of the teaching staff and other education professionals to work with children and youth;

(c) Ensuring the availability of teaching materials adequate to the psychophysical abilities of children and juveniles, as well as appropriate reference literature for educators and students.

Furthermore the curricula of educational institutions, as well as programmes of the mass media, contain education, information and propaganda aimed at forming a healthy way of life for young people. A significant part of these activities are carried out by humanitarian organizations in the Republic of Macedonia. However, all these activities have been on voluntary bases, without sufficient funds, professional guidance and coordination, as a result of which part of the activities are of a temporary character.

252. The existing records of social protection beneficiaries do not contain a separate category for drug abusers, which means that if such persons come to the Centre for Social Work, they will be recorded in the existing categories - often as minors, or as adults with antisocial behaviour, or with socially negative habits and behaviour. This situation makes it very difficult to determine the precise number of drug abusers, since persons who are not drug abusers are also registered in these categories. Still, Centres for Social Work register drug abusers on a daily basis. Therefore, in 1995, the State Institute for Promotion of Social Work Activities undertook several activities connected with the problem of drugs. First and foremost, the Institute realized a programme of education of expert teams in the Centres for Social Work, through lectures on the issue of drug abusers and social protection. Furthermore, based on survey forms, the Institute compiled data from all 30 Centres for Social Work in the Republic of Macedonia, in relation to the registered drug abusers. The available data of the Centres for Social Work and the analysis of the situation lead to the following conclusions.

253. In all cases of drug abusers, the key factors are the family and family dynamics: in most cases there is disharmony and disrupted functioning of the family. Such family situation should be analysed from different aspects, i.e. as related to the factors that determine the dynamics of the family:

(a) The fundamental processes in global society (unemployment, country going through transition, social restructuring) unavoidably influence the relationships within a family;

(b) Reflection of these processes (their manifestations) in the local communities in which families function;

(c) The relationships within the family and the characteristics of the family members;

(d) The occurrence of drug abuse, at least as far as the Centres for Social Work are concerned, is directly attributed to juvenile delinquency;

(e) It was not noticed that a particular national group dominates in drug abuse.

254. The Centres for Social Work, in accordance with the Family Act, has certain authority, i.e. the right to undertake actions in relation to risk groups of children, these activities being:

(a) To inform the parents of the problem, of the possible causes, on the ways of resolving the problem, and to include and cooperate with the parent;

(b) To motivate children to undergo treatment;

(c) To refer them to appropriate institutions.

255. The elaborate network of health-care services in the Republic of Macedonia facilitates prompt access to different levels of health protection for persons seeking assistance in relation to abuse of drugs and psychotropic substances. Medical centres, specialized hospitals and clinics, part of the Medical Faculty, provide continuous health protection to the persons seeking assistance because of drug abuse. However, in the Republic of Macedonia, contrary to worldwide trends, the treatment of these persons, for the most part, is provided at psychiatric wards, which results in further marginalization and isolation of drug abusers.

256. According to the NGO The First Children Embassy in the World - Medjashi, the State has belatedly started dealing with the problem of abuse of drugs and other narcotics among children. As a result, there is a significant increase in the number of children-drug abusers. The data from the calls at the SOS telephone line for children and juveniles provided by this organization show that the number of children calling about drug-related problems is increasing. Therefore, this NGO considers that the State must take more decisive measures for the prevention and elimination of this dangerous problem.

257. In the Republic of Macedonia, the attitudes towards drug abuse are still burdened with criticism, rejection, and with the demand for more repressive measures, in other words, the prohibitionist attitude prevails. The gradual transition towards decriminalization and depenalization of drug abuse, or gradual replacement of the policy of prosecution and punishment with the attitude of tolerance, assistance and guidance, is the only way to the resolution of this problem.

258. The Republic of Macedonia is faced with the imminent need for preparation of a national strategy for the fight against the illicit production and trafficking of drugs, psychotropic substances and precursors, and for the prevention and treatment of abuse of drugs and other psychotropic substances. This strategy, within a national programme, will cover, integrate and coordinate all key social activities for the fight against drugs. In the forthcoming period it will also be necessary, with the utmost urgency, to form a national committee for prevention of drug abuse and illicit production and trafficking of drugs, psychotropic substances and precursors. In this context, it is necessary to adopt a unified law, for prevention of the abuse, production and trafficking of drugs, psychotropic substances and precursors.

3. Sexual exploitation and sexual abuse (art. 34)

259. The Criminal Code of the Republic of Macedonia in several articles, penalizes sexual exploitation and abuse of minors. This Code sets out sanctions against the following criminal offences: sexual attack against a minor; sexual intercourse through abuse of position; soliciting and facilitating sexual acts; unlawful cohabitation with a minor; incest; mediating in prostitution; display of pornographic materials; satisfying sexual urges in front of other persons (see sect. IV.D).

260. The NGO Association for Protection of Children in Macedonia points out that besides the SOS telephone line, which children can use to seek assistance when they are faced with various problems, there is an evident need to form appropriate institutions that will be accessible to children, with their prime function being to provide counselling for children facing sexual exploitation or abuse.

4. Other forms of exploitation (art. 36)

261. In relation to protection against different forms of neglect and abuse, see section V.I of this report.

262. The NGOs First Children Embassy in the World - Medjashi and the Association for Protection of Children in Macedonia warn that there is a tendency towards child abuse to achieve political goals. They provide examples of such abuse: the use of children in the events regarding the demand for instruction in the Turkish language in Dolna Zupa and the use of juveniles in the events regarding the so-called "University of Tetovo". Therefore, they appeal for political abuse of children to be stopped.

5. Sale, trafficking and abduction (art. 35)

263. The Criminal Code of the Republic of Macedonia contains several provisions by which it sanctions the sale, trafficking and abduction of persons, including minors. According to the Code, the person who by violating the provisions of international law, places another person in slavery or in a similar situation or keeps another person in such condition, or the person who purchases, sells or hands over another person to someone else or mediates during the purchase, selling or handing over of such person or incites someone else to sell his/her freedom or the freedom of another who is maintained or cared for by that person, will be punished with 1 to 10 years' imprisonment. If the criminal offence is committed against a minor, such person will be sentenced to at least five years' imprisonment. The person who unlawfully transfers another person across the border of the Republic of Macedonia, or a person who, for personal gain, facilitates illegal border transfer, will be sentenced to six months to five years' imprisonment. If the criminal offence of abduction is committed against a juvenile, the person committing this offence will be sentenced to at least three years' imprisonment. The Criminal Code, in a separate article, penalizes abduction of a minor: the person who unlawfully abducts a minor from his/her parent, adoptive parents or guardian, from an institution, or from the person the minor has been entrusted to for his/her care and education, or the person who prevents the child from being with the person who has custody, or obstructs the enforcement of a court verdict regarding the custody of the minor, will be sentenced to up to one year's imprisonment. If this offence has been committed for personal gain, or for any other questionable motives, or by using excessive force, threat or deception, or when through the abduction the health, education, maintenance or well-being of the minor has been endangered, the perpetrator of such criminal offence will be sentenced to three months to three years' imprisonment.

D. Children belonging to a minority or an indigenous group (art. 30)

264. According to the Constitution of the Republic of Macedonia, members of national minorities have the right to freely express, foster and develop their identity and national attributes. The State guarantees the protection of the ethnic, cultural, linguistic and religious identity of the national minorities. Furthermore, members of national minorities have the right to establish institutions for culture and art, as well as scholarly and other associations for the expression, fostering and development of their identity. Finally, members of national minorities have the right to instruction in their language in primary and secondary education, as determined by law. In schools where education is carried out in the language of the national minority the Macedonian language is also studied.

265. This constitutional provision is elaborated in the Laws on pre-school, primary, secondary and university education. In pre-school education, in addition to the Macedonian language, instruction is also carried out in the languages of the national minorities (Albanian, Turkish and Serbian). In the 1994/95 school year there were 580 children belonging to the Albanian national minority, 100 children belonging to the Turkish national minority and 23 children from the Serbian national minority attending instruction in

pre-school institutions. Pedagogical documents kept for children who attend instruction in the language of the minorities are kept in the Macedonian language and its Cyrillic alphabet and in the language and the alphabet of the national minorities, while pedagogical records are kept in the language and in the alphabet in which instruction is carried out. Instruction in primary education is carried out in the Macedonian, Albanian, Turkish and Serbian languages, and optionally in the Romany and Vlach languages. In the 1994/95 school year, 71,767 students attended primary education in the Albanian language, 5,456 in the Turkish language and 753 in the Serbian language.

266. Constitutionally guaranteed secondary education for members of the national minorities is regulated in the Law on Secondary Education, according to which instruction for persons belonging to national minorities is carried out in the language and alphabet of the national minority, in a manner and under conditions determined by law. The students belonging to national minorities also must study the Macedonian language. Pedagogical documents for students attending instruction in the languages of the national minorities are kept and issued in the Macedonian language and its Cyrillic alphabet and in the language and alphabet of the national minorities, while pedagogical records are kept in the language and alphabet of the national minorities. In the 1994/95 school year, instruction in the Albanian language in the secondary schools was attended by 7,402 students or 9.58 per cent of the total number of students; 447 students attended instruction in the Turkish language, or 0.58 per cent of the total number of students.

267. Although secondary education is not compulsory, the Government of the Republic of Macedonia has taken a number of measures to increase the coverage of students belonging to national minorities in secondary education, in order to improve the education level among the members of the minorities:

(a) The conditions and the criteria for enrolment are equal for all candidates. Admission exams are held in the language that the candidate is to attend instruction in;

(b) A government decision provides for the establishment of new classes for students belonging to national minorities in all cases where students have expressed the desire to continue their secondary education;

(c) The number of secondary educational centres where instruction is carried out in the languages of the nationalities has increased;

(d) The quality of education has been improved through preparation of new instruction programmes.

These measures have significantly increased the coverage of students belonging to the nationalities in secondary education.

268. In the last five years there has been a tremendous increase in the number of students who attend instruction in the languages of the national minorities in secondary schools. There has been a 157 per cent increase in the number of secondary students attending instruction in the Albanian language and a 132 per cent increase in the number attending Turkish-language instruction. However, the coverage of students still does not correspond fully to the percentage of students belonging to the Albanian national minority who have completed primary education. Therefore, the Government

creates continuous measures to improve the situation. This problem is only present with respect to the Albanian minority, while the coverage of students belonging to other national minorities in secondary education is traditionally comprehensive. This situation is due to the following:

(a) The social structure, according to which members of certain national minorities, especially the Albanian national minority, are mainly rural inhabitants, who traditionally show little interest in continuing their education after completing primary education despite all affirmative measures undertaken by the Government;

(b) The absence of females among the students belonging to national minorities who continue their education is evident. This again is characteristic of the rural inhabitants of the Albanian national minority;

(c) The insufficient coverage of students members of certain national minorities in secondary education has a negative impact on the percentage of students belonging to national minorities at the universities in Skopje and in Bitola.

269. In order to meet the needs of national minorities in the area of university education, members of national minorities have the opportunity to study in their languages at:

(a) The Pedagogical Faculties in Skopje and in Bitola where, in addition to studies in the Macedonian language, four-year studies in the Albanian and Turkish languages are organized, with the aim of creating appropriately educated teachers for instruction in primary and secondary schools in the languages of the national minorities;

(b) The Faculty of Philology at the University of St. Cyril and Methodius, at the Department for Albanian Language and Literature and at the Department for Turkish Language and Literature;

(c) The Theatre and Film Academy, where special classes have been established for students belonging to national minorities who attend specialized professional courses in the language of the national minority.

Particular attention is paid to the instruction programmes for history, literature and the arts, which are adapted in a manner that enables further development of the cultural and ethnic identity of the national minorities.

270. In order to increase the coverage of students belonging to national minorities at the universities in the Republic of Macedonia, the Government has adopted a decision to introduce a quota system corresponding to the proportion of the national minorities in the total population.

271. In relation to the implementation of the right to freedom of religion, see section IV.E and in relation to access to information in the mother tongue, see section IV.D.